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Letter dated 7 October 2016 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council

On behalf of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and in accordance with paragraph 32 of Security Council resolution 2244 (2015), I have the honour to transmit herewith the report on Eritrea of the Monitoring Group on Somalia and Eritrea.

In this connection, the Committee would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Rafael Dario **Ramírez Carreño**
Chair
Security Council Committee pursuant to resolutions 751 (1992)
and 1907 (2009) concerning Somalia and Eritrea

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Letter dated 28 September 2016 from the Monitoring Group on Somalia and Eritrea addressed to the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

In accordance with paragraph 32 of Security Council resolution 2244 (2015), we have the honour to transmit herewith the report on Eritrea of the Monitoring Group on Somalia and Eritrea.

(*Signed*) Christophe **Trajber**
Coordinator
Monitoring Group on Somalia and Eritrea

(*Signed*) Jay **Bahadur**
Armed groups expert

(*Signed*) Charles **Cater**
Natural resources expert

(*Signed*) Bogdan **Chetreanu**
Finance expert

(*Signed*) Déirdre **Clancy**
Humanitarian expert

(*Signed*) Tapani **Holopainen**
Finance expert

(*Signed*) Rufus **Kalidheen**
Arms expert

(*Signed*) James **Smith**
Regional expert

Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2244 (2015): Eritrea

Summary

Pursuant to Security Council resolution 1907 (2009), sanctions were imposed on Eritrea on 23 December 2009. Since then, the Monitoring Group on Somalia and Eritrea has visited Eritrea twice, most recently in 2011. Notwithstanding the initiatives and efforts of successive Chairs and other members of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea to facilitate access to Eritrea for the Group, it has therefore been five years, of a total of seven years of sanctions, since members of the Group have met officials of the Government of Eritrea, or any other interlocutors, within Eritrea.

The Monitoring Group has received no replies to its official requests for cooperation on investigative and substantive matters from the Government throughout its current mandate, including to its formal requests for an official visit to Asmara. In addition, representatives of the Government have made no attempts or seized any opportunities to engage with the Group beyond responding to the initiatives of the Group for two meetings with the Permanent Representative of Eritrea to the United Nations, Girma Asmerom Tesfay, in New York, and at the Chair's initiative at the end of the mandate, to discuss the preliminary findings of the Group, again with the Permanent Representative, who was in Asmara at the time.

The Monitoring Group has sought indirect engagement with the Government through individuals who have access to the country, including returning diaspora Eritreans, academics, international journalists and diplomats. Unfortunately, engagement even with this broad range of individuals and entities who have had recent access to Eritrea remains largely insufficient for the Group to carry out its mandate effectively.

For its third concurrent mandate, the Monitoring Group has found no firm evidence of Eritrean support for the Somali Islamist group Harakat al-Shabaab al-Mujaahidiin. The Group has, however, continued to find consistent evidence of Eritrean support for armed groups operating in both Ethiopia and Djibouti. It is clear that Eritrea continues to harbour anti-Ethiopian armed groups, including the newly remodelled Patriotic Ginbot 7, and provides at least some logistical support to them. Evidence that the Eritrean authorities are providing weapons or training to such groups remains anecdotal, and largely based on interviews with former fighters under the auspices of either the Ethiopian or Djiboutian authorities.

In its previous report (S/2015/802), the Monitoring Group noted the defection to Ethiopia of the former Chair of the Tigray People's Democratic Movement, Mola Asgedom, in September 2015. In August 2016, the Group interviewed him in Addis Ababa. He provided corroboration of past findings on the group, but offered no information on the fate of its remaining fighters following his defection. The Group also noted in its previous report the announcement of the formation of the Peoples' Alliance for Freedom and Democracy, apparently incorporating various anti-Ethiopian movements, including the Ogaden National Liberation Front and the Oromo Liberation Front, but has not been able to assess the extent to which it currently poses a threat in Ethiopia.

The Group found further uncorroborated evidence of Eritrean support for the anti-Djiboutian movement, Front pour la restauration de l'unité et de la démocratie, which continued to commit low-level attacks in northern Djibouti throughout the current mandate. As previously reported, its relatively small size notwithstanding, the movement continues to undermine the normalization of relations between Djibouti and Eritrea and thus to obstruct the implementation of resolution 1862 (2009).

In its previous report, the Monitoring Group reported on a new strategic military relationship between Eritrea and Saudi Arabia and the United Arab Emirates that involved allowing the Arab coalition to use Eritrean land, airspace and territorial waters in its anti-Houthi military campaign in Yemen. The Group concluded that the country's making available to other Member States its land, territorial waters and airspace to conduct military operations in a third Member State did not in and of itself constitute a sanctions violation, but that any compensation diverted directly or indirectly towards activities that threatened peace and security in the region, or for the benefit of the Eritrean military, would constitute a violation.

Evidence collected by the Monitoring Group during the current mandate, including the construction of a permanent military base at Assab International Airport and a new permanent seaport adjacent to it, indicates that there may have been external support for infrastructure development that could benefit the Eritrean military. The Group has further documented the presence in Eritrea, whether for training or transit, of armed personnel and related military and naval equipment of various Member States other than Saudi Arabia and the United Arab Emirates. The Group determines that the current terms of the arms embargo do not allow for such activities, nor are they covered under the terms of possible exemptions thereto.

Following the escape of two Djiboutian prisoners of war from Eritrea in 2011, a further four were released from Eritrea during the current mandate. The Government of Eritrea provided no formal explanation for its decision to break the stalemate in negotiations between Djibouti and Eritrea that were being mediated by the Government of Qatar. Neither did it provide information on the remaining combatants, whom Djibouti alleges have been missing in action since 2008. In September 2016, the Permanent Representative of Eritrea to the United Nations informed the Group that one prisoner of war had died during his detention and the issue had subsequently been brought to a close by the Government of Qatar on 18 March 2016.

Owing to the continuing lack of transparency with regard to government revenue and expenditure, and the refusal to cooperate with the Monitoring Group on such matters, the Group has made little progress in determining the extent to which revenue of the Government of Eritrea has been allocated to support armed groups destabilizing the region or to conduct activities constituting a breach of the arms embargo. Similarly, the Group is no further forward in determining the extent to which revenue from the mining sector in particular may be contributing to arms embargo violations or destabilization within the region. Nevertheless, the possible diversion of funds for the potential purpose of sanctions violations remains an issue of concern.

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* The annexes are being circulated in the language of submission only and without formal editing.

I. Introduction

A. Mandate

1. The mandate of the Monitoring Group on Somalia and Eritrea is contained in paragraph 31 of Security Council resolution 2244 (2015) and paragraph 13 of resolution 2060 (2012). Additional tasks were assigned to the Group under resolutions 2093 (2013) and 2142 (2014).

2. Pursuant to paragraphs 31 of resolution 2244 (2015) and 13 (l) of resolution 2060 (2012), the Monitoring Group provided the Security Council, through the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, with a midterm update on 22 April 2016. The Group also submitted monthly progress reports to the Committee throughout its mandate.

3. With specific reference to Eritrea, the mandate of the Monitoring Group includes the following:

(a) To investigate, in coordination with relevant international agencies, all activities, including in the financial, maritime and other sectors, which generate revenue used to commit violations of the Somalia and Eritrea arms embargoes (resolution 2060 (2012), para. 13 (e));

(b) To investigate any means of transport, routes, seaports, airports and other facilities used in connection with violations of the Somalia and Eritrea arms embargoes (ibid., para. 13 (f));

(c) To monitor the implementation of the Council's call upon Eritrea to show transparency in its public finances, including through cooperation with the Monitoring Group, in order to demonstrate that the proceeds of mining activities are not being used to violate relevant resolutions (resolution 2023 (2011), paras. 12 and 16);

(d) To monitor the implementation of the Council's demand that all Member States, in particular Eritrea, cease arming, training and equipping armed groups and their members, including Harakat al-Shabaab al-Mujaahidiin (Al-Shabaab), that aim to destabilize the region or incite violence and civil strife in Djibouti (resolution 1907 (2009), paras. 16 and 19).

4. In the course of their investigations, members of the Monitoring Group travelled to Angola, Bahrain, Belgium, Canada, the Comoros, Djibouti, Ethiopia, Finland, France, Iran (Islamic Republic of), the Netherlands, Norway, Romania, Seychelles, Somalia, South Africa, Sweden, Switzerland, Uganda, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania and the United States of America.

5. The Monitoring Group was based in Nairobi and comprised the following experts: Christophe Trajber (Coordinator), Jay Bahadur (armed groups), Charles Cater (natural resources), Bogdan Chetreanu (finance), Déirdre Clancy (humanitarian), Tapani Holopainen (finance), Rufus Kalidheen (arms) and James Smith (regional).

B. Methodology

6. The evidentiary standards and verification processes outlined in the previous reports of the Monitoring Group apply to work conducted during the mandate under review.

7. The methodology used for the present report is as follows:

(a) Collecting information on events and topics from multiple sources, where possible;

(b) Collecting information from sources with first-hand knowledge of events, where possible;

(c) Identifying consistency in patterns of information and comparing existing knowledge with new information and emerging trends;

(d) Continuously factoring in the expertise and judgment of the relevant expert of the Monitoring Group and the collective assessment of the Group with regard to the credibility of information and the reliability of sources;

(e) Obtaining physical, photographic, audio, video and/or documentary evidence in support of the information collected.

8. Once again, the Monitoring Group made a deliberate and systematic effort to gain access to those involved in potential violations by way of individuals who had direct knowledge or who knew people who had direct knowledge about details of potential violations.

9. In its investigations, the Monitoring Group conducted more than 100 meetings with a broad range of sources, including Member States, United Nations agencies, non-governmental organizations, the Eritrean diaspora, academics with current research interests in Eritrea and former officials of the Government of Eritrea. From these sources, the Group received witness testimony, photographic evidence and both confidential and open-source documentation.

10. The refusal of Eritrea to allow the Monitoring Group to visit the country constitutes a major impediment to investigations. Conversely, the ability of the Group to conduct investigations in Somalia, notwithstanding the limitations resulting from continuing security challenges, still ensures significantly greater access to a broader range of sources, including officials of the federal and regional administrations. Indeed, frequent engagement with and cooperation from government officials in Somalia at times enabled the Group to discount evidence submitted by third-party sources.

11. Once again, and in conformity with past guidance provided by the Committee, the Monitoring Group endeavoured to include as much of the testimony and evidence as possible in its final report. However, General Assembly resolutions on the control and limitation of documentation, in particular resolutions 52/214, 53/208 and 59/265, necessitated the use of annexes, preventing some of the evidence from being translated. In addition, regulations exclude the insertion of maps, photographs and charts in the main report, and therefore these are also presented in the annexes.

C. Engagement with the Government of Eritrea

12. In paragraphs 25 and 26 of its resolution 2244 (2015), the Security Council reiterated its expectation that the Government of Eritrea would facilitate the entry of the Monitoring Group to Eritrea, in line with its repeated requests. It called upon the Government to cooperate with the Group, including on finance issues, in accordance with the mandate of the Group, underlining its expectation that cooperation would deepen during the mandate of the Group, including through regular visits to Eritrea by the Group (preamble).

13. Its requests notwithstanding, the Monitoring Group was not permitted to visit the country by the Government. The distinct lack of cooperation that characterized previous mandates continued, with the Government refusing to even acknowledge most attempts made by the Group to engage or request information.

14. On 11 January 2016, the Monitoring Group met the Ambassador and Permanent Representative of Eritrea to the United Nations, Girma Asmerom Tesfay, in New York.

15. On 21 March 2016, the Monitoring Group wrote to the Permanent Representative to request information that the Eritrean authorities might have regarding the arming, training and equipping of armed groups that aimed to destabilize Eritrea and regarding the alleged air strikes targeting the Bisha mine on 20 March 2015 (see S/AC.29/2016/SEMG/OC.23 and annex 1.1 to the present report). The Group did not receive a response.

16. On 7 April 2016, the Monitoring Group wrote to the Permanent Representative to notify the Government of its forthcoming midterm update to the Committee on 22 April in New York and request an opportunity to discuss the Group's preliminary findings and matters raised in the previous correspondence. The meeting was held on 20 April. On 21 April, the Permanent Representative wrote to the Chair of the Committee, calling upon the Security Council to lift the sanctions imposed on Eritrea and instructing the Group to strictly adhere to its mandate. After refuting allegations made in the Group's previous report regarding the presence of Eritrean soldiers in Yemen, he sought to clarify that "there is no UN Security Council resolution that restricts Eritrea from participating in the global war against extremism and terrorism" (see S/AC.20/2016/NOTE.24 and annex 1.3).

17. On 9 June 2016, the Monitoring Group wrote to the Permanent Representative to request an opportunity to meet the Minister of Finance to discuss financial issues, in accordance with the mandate of the Group (see S/AC.29/2016/SEMG/OC.45 and annex 1.4). The Group did not receive a response.

18. On 3 August 2016, the Monitoring Group wrote to the Permanent Representative to request that a meeting or videoconference be convened to provide advance visibility to the Government of the Group's findings during the current mandate and to provide an opportunity to respond (see S/AC.29/2016/SEMG/OC.66 and annex 1.5).

19. On 23 August 2016, the Monitoring Group wrote to the Permanent Representative to request confirmation of the status of the 13 Djiboutian combatants missing in action since the border clashes with Djibouti on 12 June 2008 (see

S/AC.29/2016/SEMG/OC.83 and annex 1.6). The Group did not receive a response, although in the subsequent telephone meeting on 24 August the Permanent Representative did respond to one of the Group's queries regarding the status of remaining combatants (see sect. VI.A below).

20. On 24 August 2016, the Monitoring Group provided a briefing on its findings to the Permanent Representative by teleconference, under the auspices of the Chair and the Vice-Chair of the Committee.

21. On 30 August 2016, the Monitoring Group received correspondence from the Permanent Mission of Eritrea to the United Nations entitled "Eritrea's response to issues raised by the Somalia Eritrea Monitoring Group (SEMG) on 24 August 2016" (see annex 1.7), in which it was stated once again, among other things, that accusations suggesting that Eritrea did not cooperate with the Group were factually wrong. On 5 September, this correspondence was published on various local media websites, including the online publication, TesfaNews.[1]

II. Potential violations of the arms embargo

A. Overview of the arms embargo

22. The Security Council imposed a two-way arms embargo on Eritrea in paragraphs 5 and 6 of its resolution 1907 (2009).

23. Paragraph 5 of the resolution provides that all Member States are to immediately take the measures necessary to prevent the sale or supply to Eritrea, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, and technical assistance, training, financial and other assistance, relating to the military activities or to the provision, manufacture, maintenance or use of these items, whether or not originating in their territories.

24. Paragraph 6 of the resolution provides that Eritrea is not to supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all Member States are to prohibit the procurement of the items, training and assistance described in paragraph 5 of the resolution from Eritrea by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of Eritrea.

25. Member States, international organizations, non-State and private entities and natural persons are all subject to the arms embargo, with Member States having particular additional obligations relating to implementation. For example, the Security Council specifically called upon Member States to inspect, in their territory, all cargo to and from Eritrea if the State concerned had reasonable grounds to believe that the cargo contained items the supply, transfer or export of which was prohibited. They also have obligations to seize and dispose of such items to prevent

[1] "Eritrea's response to issues raised by the Somalia Eritrea Monitoring Group", TesfaNews, 5 September 2016. Available from www.tesfanews.net/eritreas-response-somalia-eritrea-monitoring-group-semg-august-2016.

their sale, supply, transfer or export to or from Eritrea, and to submit a report to the Committee on such seizure and disposal (see resolution 1907 (2009), paras. 7-9). No such reports were received during the current mandate.

26. There are only two exemptions to the arms embargo: the supply of protective clothing, including flak jackets and military helmets, for United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, and for their personal use only and supplies of non-lethal military equipment intended solely for humanitarian or protective use (see resolution 2060 (2012), paras. 11 and 12). No such requests for exemption were submitted to the Committee during the current mandate.

27. In its resolution 2244 (2015), the Security Council requested the Committee to publish an implementation assistance notice summarizing the arms embargo restrictions in place for Somalia and Eritrea and outlining exemptions thereto. The Committee adopted that notice (No. 2) on 14 March 2016.[2]

B. Yemen

28. In paragraph 24 of its previous report (S/2015/802), the Monitoring Group reported receiving credible and persuasive testimony from multiple sources and independent reports indicating that Saudi Arabia and the United Arab Emirates had established a military presence in Eritrea as part of the military campaign against the Houthi rebels in Yemen and that Eritrea had received compensation for allowing its territory to be used as part of the campaign.

29. The Monitoring Group acknowledged that the strategic importance of Eritrea, at the crossroads between the Horn of Africa and the Persian Gulf, had increased significantly in the light of the continuing conflict in neighbouring Yemen. Furthermore, the Group acknowledged the views of the Permanent Representative of Eritrea to the United Nations, who argued that the country's right to self-defence amid growing regional insecurity caused by the conflict in Yemen was justification to lift the arms embargo (see ibid., paras. 25 and 28).

30. The Group concluded that Eritrea's making available to third countries its land, territorial waters and airspace to conduct military operations in another country did not in and of itself constitute a violation of resolution 1907 (2009). Likewise, it confirmed its determination that any compensation diverted directly or indirectly towards activities that threatened peace and security in the region or for the benefit of the Eritrean military would constitute a violation of the resolution (ibid., para. 34).

31. The Monitoring Group documented a significant evolution in the nature of the continuing military activities in and around Assab during its current mandate. The activities included the presence of non-Eritrean military personnel, new military equipment on the territory and the construction of new military infrastructure relating to air and naval capacity.

[2] The implementation assistance notices can be found at www.un.org/sc/suborg/en/sanctions/751/notices.

32. Public reports, including from security analysts with knowledge of the region, have indicated that the presence of coalition forces in Assab expanded to encompass not only personnel from Saudi Arabia and the United Arab Emirates, but also Yemeni troops and other troops in transit.[3] The regular movement of particular naval vessels, including the *Swift 1* (International Maritime Organization (IMO) No. 9283928) — with the capacity to transport personnel — between Assab and Aden, combined with media footage of Sudanese troops disembarking from those vessels in Aden, indicates the deployment of troops from Assab to Aden.[4] On 27 November 2015, for example, local media quoted a Yemeni security source claiming that a second contingent of 100 Yemeni fighters from Aden had recently left on boats from Port Zayid, Abu Dhabi, bound for Assab for training, supported by the United Arab Emirates.[5]

33. Military equipment has also been transferred onto Eritrean territory. The Monitoring Group analysed satellite imagery captured between April and May 2016, which shows the presence of tanks and artillery, including what appear to be AMX Leclerc main battle tanks, G6 self-propelled howitzers and BMP-3 amphibious infantry fighting vehicles (see annex 4). By September 2016, according to satellite data analysis, most of the vehicles appeared to have vacated the airport compound.

34. Since the submission of its previous report in September 2015, the Group has also documented the rapid construction of what appears to be a military base with permanent structures at the south-eastern end of Assab International Airport, including through its analysis of high-resolution satellite imagery (see ibid.).

35. Satellite imagery also shows the construction, beginning at some time after September 2015, of a new port adjacent to Assab International Airport, with work clearly continuing in the most recent imagery taken on 6 September 2016 (see ibid.). Since September 2015, according to Automatic Identification System (AIS) transmission data, a vessel owned by the United Arab Emirates National Marine Dredging Company, the tugboat *Degalah* (IMO No. 9679323), has frequented Assab. In addition, the dredger *Al Khatem*, operated by the same company, is reported to have been present in the new port, though its AIS transmissions have not been broadcast.[6]

36. Eritrean engagement in the Yemen coalition has also been the subject of increasingly public statements and acknowledgement by both Eritrea itself and regional actors. According to Eritrean media reports, the President of Eritrea, Isaias Afwerki, and the King of Saudi Arabia, Salman Bin Abdulaziz Al-Saud, held

[3] See Alex Mello and Michael Knights, "West of Suez for the United Arab Emirates", War on the Rocks, 2 September 2016. Available from http://warontherocks.com/2016/09/west-of-suez-for-the-united-arab-emirates.

[4] See, for example, "وصول القوات السودانية إلى عدن", Sky News Arabia, 17 October 2015. Available from www.youtube.com/watch?v=1Cs8eRuQfgw. The *Alquwaisat* (IMO No. 9644641) is also reported to be making regular transfers between Assab and Aden, although its AIS transmissions are not broadcast.

[5] "اليمن: الإمارات تنشئ برنامجاً "سرياً" في أريتريا لتدريب مقاتلين", Khabar News Agency, 27 November 2015. Available from www.khabaragency.net/news44037.html.

[6] See also Jeremy Binnie, "UAE likely to be building a naval facility in Eritrea", *IHS Jane's Defense Weekly 360*, 18 April 2016. Available from www.janes.com/article/59561/uae-likely-to-be-building-a-naval-facility-in-eritrea.

discussions in Riyadh on 20 December 2015.[7] On 21 December, the Ministry of Foreign Affairs of Eritrea confirmed in a statement that Eritrea would support the Saudi Arabian initiative in the fight against terrorism and "express[ed] its readiness to support the initiative without reservations and to extend its contribution to the alliance".[8]

37. Similarly, on 10 February 2016, the Ministry of Information of Eritrea published an interview with the President on its website, Shabait, in which he stated:

> The Saudi government has declared to combat terrorism. And that is something that has to be supported without pre-conditions. The elements of instability in this region should be routed out. We could talk about the mechanism and the resources available to tackle the problem. The main agenda is to get rid of terrorism from the region ... We have to contribute our capacity for the success of the initiative. The level of contribution might differ in terms of power and resources but the need for cooperation is timely.[9]

38. On 2 January 2016, TesfaNews reported the unveiling on the previous day of a "Thank Eritrea" media campaign on the streets of Aden, featuring a painting of the President.[10] The organizer of the campaign and the broader "Thank the Kingdom" campaign, Firas al-Yafei, was quoted on the Yemeni Ababiil website as praising "the training of the resistance and the forces of the national army on [Eritrea's] territory, as well as the use of the naval base at the port of Assab".[11] The Monitoring Group confirmed with journalists based in Aden that billboards in support of the campaign had been erected.

39. The Monitoring Group notes that Eritrea has objected to the Group's consideration of Eritrean engagement in the conflict in Yemen, most recently by stating that "the SEMG again steps out of its mandate to take up the issue of Yemen and includes in its report an amalgam of outright falsehoods, errors, inaccuracies and insinuations".[12] The Group nonetheless reasserts that considerations regarding Eritrean engagement in the conflict in Yemen lie within its mandate. The involvement of Eritrea in a regional military coalition engaged in armed conflict

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[7] See "President Isias held discussions with King Salman in Riyadh", Madote, 21 December 2015. Available from www.madote.com/2015/12/president-isaias-held-discussions-with.html.

[8] See annex 2 for a copy of the statement. See also, "Eritrea joins Saudi-led military alliance against terrorism", TesfaNews, 21 December 2015. Available from www.tesfanews.net/eritrea-joins-saudi-military-alliance-against-terrorism.

[9] See "Our regional policy is anchored on promoting our national as well as our collective security interests: President Isaias", Shabait, 10 February 2016. Available from www.shabait.com/categoryblog/21180-our-regional-policy-is-anchored-on-promoting-our-national-as-well-as-our-collective-security-interests-president-isaias.

[10] See annex 3. See also "'Thank Eritrea' signs floods streets of Aden", TesfaNews, 2 January 2016. Available from www.tesfanews.net/thank-eritrea-signs-yemen-capital.

[11] See "إزاحة الستار عن لوحة (إريتريا شكرا) في العاصمة اليمنية عدن", Ababiil, 2 January 2016. Available from http://ababiil.net/yemen-news/56089.html.

[12] Letter dated 4 September 2015 from the Permanent Representative of Eritrea to the United Nations addressed to the Chair of the Committee (S/AC.29/2015/COMM.60) conveying its response to a letter dated 25 August 2015 from the Coordinator of the Monitoring Group (S/AC.29/2015/SEMG/OC.86) in connection with the findings contained in the Group's final report on Eritrea.

necessarily raises questions regarding compliance with the two-way arms embargo regime imposed on Eritrea, in the absence of specific authorization from the Security Council.

40. If the range of support provided by Eritrea to the regional coalition, including as described above, constitutes either a direct or an indirect transfer of prohibited material to or from Eritrea or an exchange of military assistance, it would be a violation of the arms embargo. It could be reasonably determined, for example, that Member State support for the construction of permanent military installations in Eritrea constitutes the provision of technical assistance, training, financial and other assistance relating to military activities (see resolution 1907 (2009), para. 5).

C. Eritrean air force missions to Italy in July, August and September 2016

41. During the first half of 2016, the Monitoring Group received regular information from a network of sources in the Eritrean diaspora in Italy, including former senior members of the Eritrean military, that a high-level delegation from the Eritrean air force was expected to travel to Italy, as early as May, as part of a mission to procure weapons.[13]

42. During the period from 22 to 25 June 2016, the Monitoring Group interviewed a weapons dealer from Ukraine in Bucharest. He informed the Group that, although not engaged directly in procuring weapons for Eritrea himself, he was aware that a major order from Eritrea was under discussion with a Ukrainian entity. At the same time, he claimed to have personal knowledge of two individuals who had been involved in procuring weapons on behalf of Eritrea, including Major General Teklai Habteselassie. He claimed that Eritrea, through Major General Habteselassie, had been attempting "for a long time" to purchase aircraft materials, in addition to services for training personnel for air operations and maintaining aircraft. In 2011, the Group implicated Major General Habteselassie in an attempt to procure military material from Ukraine in 2010 (see S/2011/433, paras. 370 and 411).

43. The Monitoring Group has documented Ukrainian assistance to the Eritrean military in previous reports, in particular with regard to the maintenance of Eritrean military aircraft (see S/2011/433, annex 10.1, and S/2012/545, paras. 65-69). On 31 July 2016, an opposition media source, Erimedrek, published an article in which it was claimed that 16 Ukrainian air traffic control and radar technicians had arrived in Asmara on 18 July, further to signing a two-year contract with the Government.[14]

44. Subsequently, in August 2016, the Monitoring Group became aware of open-source information alleging that a delegation of the Eritrean air force, led by Major General Habteselassie, had visited Italy in July, with Major General Habteselassie

[13] Telephone interview and e-mail correspondence with members of a network of sources in the Eritrean diaspora, including former members of the Eritrean military, February to May 2016.

[14] It was claimed that the trainers had been housed at government villas near the Alla Scala Hotel in Asmara. It was also asserted that this was the second team of Ukrainian experts to arrive in Eritrea during the year, the first group, according to the article, had arrived in Asmara in February 2016 and been given training on the maintenance of old — and the installation of new — radar equipment. See www.erimedrek.com/2016/07/ሓይሊ-ኣየር-ኤርትራ-16-ዩክሬናውያን-ናይ-ራዳ/.

claiming to the Italian authorities that he was visiting the Embassy of Eritrea in Rome. The Group received reports from multiple separate sources, however, indicating that the actual purpose of the trip had been to procure military equipment, specifically spare parts for helicopters.[15]

45. The Italian authorities confirmed, in official correspondence with the Committee, that a delegation headed by Major General Habteselassie did indeed visit Italy in July 2016 further to their facilitation of a Schengen visa.[16] Major General Habteselassie was accompanied on the visit by Major Yonas Tesfai Tedla, Captain Yonas Henok Ghebretensae and Captain Asmerom Amanuel Gebremedhin.[17] The latter two men have been identified on social media as helicopter pilots.

46. According to reports received by the Monitoring Group, Captain Ghebretensae and Captain Gebremedhin did not return to Eritrea. While the Government of Italy confirmed that Major General Habteselassie and Major Tedla had left Italy, as at 9 September 2016 the other two members of the delegation had not presented themselves for obligatory return check procedures at the Embassy of Italy in Asmara. Multiple media agencies have since reported on the possible defection of the two pilots. The Italian authorities have confirmed that, as at 9 September 2016, the men had not sought asylum in Italy. However, given that they were in possession of Schengen visas, the pilots would have been able to travel to any of the 26 European countries within the Schengen area.

D. Views of the Government of Eritrea on the arms embargo

47. In a letter to the Chair of the Committee dated 17 April 2015, Eritrea asserted that the arms embargo "violates Eritrea's right for self-defence in accordance to Article 51 [of the Charter of the United Nations]", pointing to Ethiopia's presence in, among other places, the town of Badme and the creation of "military imbalances" and referencing public pronouncements by Ethiopia that it would undertake military action inside Eritrea.[18] In September 2015, Eritrea expanded on this pronouncement, noting that "Ethiopia continue[d] to occupy militarily and illegally large slices of sovereign Eritrean territory, again in violation of international law and its treaty obligation" and that "for the past 13 years Eritrea ha[d] been calling on the international community, including the UN Security Council, to shoulder its responsibility and call on Ethiopia to respect its treaty

[15] Interview with former Eritrean military officer by telephone on 3 August 2016; e-mail correspondence with former Eritrean journalists, received on 27 August and 5 September 2016.

[16] Response of Italy to document S/AC.29/2016/SEMG/OC.89, 9 September 2016. See annex 5.2 for a copy of the approved visa application forms for Major General Teklai Habteselassie.

[17] An application for a fifth individual, Tesfaldet Habteslassie Naizghi, identified as a member of the Eritrean air force but holding a diplomatic passport, was submitted to Italy as a member of the delegation, but it is not clear to the Monitoring Group whether he received a visa.

[18] Letter dated 17 April 2015 from the Permanent Representative of Eritrea to the United Nations addressed to the Chair of the Committee (S/AC.29/2015/COMM.24).

obligation, the Final and Binding of 2002 Delimitation and 2007 Demarcation Decisions of the Eritrean Ethiopia Border Commission".[19]

48. Eritrea also urged that the arms embargo be seen "in the context of the current regional security developments in the Horn of Africa and the Red Sea region". Eritrea described how:

> Extremism and terrorism is spreading in the region and globally. Yemen, whom Eritrea shares long border on the Red Sea, including Bab el-Mandab, and which is only 30 minutes flight, is regrettably in crisis [...] Eritrea must be supported, not restricted.

49. Eritrea concluded as follows:

> Unlike some countries who are asking the UN Security Council for military action and intervention, Eritrea's request is clear and simple — it is asking the Security Council to lift the arms embargo so that it can effectively and efficiently fight all types of extremism and terrorism as well as protect its sovereignty and territorial integrity. Prevention is much better than crisis management.

50. In its most recent communication to the Monitoring Group, in August 2016, Eritrea again emphasized that it viewed the arms embargo as "unjust and counterproductive", pointing out, among other things, that it "negatively affect[ed] Eritrea's capability to effectively and efficiently contribute in the fight against regional and global terrorism and extremism".[20] The Group notes that Eritrea may approach the Security Council to seek a waiver or partial lifting of the embargo, including where the Government determines that its imposition constitutes an obstacle to its exercise of its right of individual or collective self-defence under Article 51 of the Charter of the United Nations.

III. Support for armed groups in the region

51. During the current mandate, the Monitoring Group continued to investigate whether Eritrea had been arming, training or equipping regional armed groups and their members, including Al-Shabaab. Once again, the Group found no compelling evidence that Eritrea was providing support to Al-Shabaab.

52. As noted in paragraph 15 above, the Monitoring Group wrote to the Permanent Representative of Eritrea to the United Nations on 21 March 2016 to request information that the Eritrean authorities might have regarding the arming, training and equipping of armed groups that aimed to destabilize Eritrea, but did not receive a response.

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[19] Letter dated 4 September 2015 from the Permanent Representative of Eritrea to the United Nations addressed to the Chair of the Committee (S/AC.29/2015/COMM.60) conveying its response to a letter dated 25 August 2015 from the Coordinator of the Monitoring Group (S/AC.29/2015/SEMG/OC.86) in connection with the findings contained in the Group's final report on Eritrea.

[20] The response of Eritrea to issues raised by the Monitoring Group on 24 August 2016, dated 30 August 2016, is contained in annex 1.7.

A. Tigray People's Democratic Movement

53. During its previous mandate, the Monitoring Group assessed that the Tigray People's Democratic Movement (TPDM) represented the most significant Ethiopian opposition group being trained, financed and hosted inside Eritrea (see S/2015/802, para. 50). The defection of the former Chair of TPDM, Mola Asgedom, along with an unconfirmed number of fighters loyal to him, had a significant impact on the capacity of TPDM fighters remaining in Eritrea to conduct attacks against Ethiopian interests. Reports received by the Group indicate that TPDM is growing increasingly fragmented. On 6 August 2016, the Group interviewed Mola Asgedom in Addis Ababa.

Interview with Mola Asgedom

54. Mola Asgedom defected to Ethiopia through the Sudan in September 2015, along with up to 800 of his men, following disagreements with commanders of other anti-Ethiopian armed groups, including Berhanu Nega of Ginbot Sebat (see S/2015/802, para. 55).

55. On 6 August 2016, following an invitation from the Government of Ethiopia, the Monitoring Group interviewed Asgedom in Addis Ababa.[21] He recounted that he had joined the Tigrayan People's Liberation Front in 1989 during its fight to overthrow the military Government of Colonel Mengistu Haile Mariam (the "Derg"). Following the fall of the Derg in 1991, he had gone on to join the Ethiopian armed forces and subsequently been deployed to the Tsorena border region in 1998 during the Eritrean-Ethiopian war. A year after the end of the conflict, in 2001, he had left the Ethiopian armed forces and gone into self-imposed exile in Eritrea where he, along with other disgruntled soldiers, had established TPDM, often referred to as "Demhit". He described to the Group how the Eritrean intelligence service had advised TPDM in developing its vision and mission.

56. He said that he had been promoted to Chair of TPDM in 2008 and since conducted attacks against the Ethiopian armed forces in the Tigray and Afar regions of northern Ethiopia. He discussed the support provided by Colonel Fitsum Yishak, also known as "Lenin", including the planning of operations, the monthly provision of ERN 450,000 (approximately $30,000 at the official exchange rate as at September 2016) and the supply of weapons.[22] He also claimed to have engaged with Brigadier General Abraha Kassa during his tenure as Chair.[23] He claimed that, while he was Chair, TPDM had had offices in Asmara, Dekemhare, Massawa and Teseney and units in most border towns.

57. The interview was organized by officials of the Government of Ethiopia, although no officials were present during the interview. At the time of writing, the Monitoring Group was not able to either verify or discount the information given.

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[21] An audio recording of the interview is on file with the Secretariat.

[22] Colonel Fitsum Yishak was first referenced by the Monitoring Group in paragraph 262 (b) of its report for 2011 (S/2011/433), when he was alleged to have been involved in the training of highland Ethiopian armed opposition groups. In paragraph 54 of the report for 2014 (S/2014/727), he is similarly described as directing Ethiopian armed groups.

[23] In paragraph 46 of its report for 2015 (S/2015/802), the Monitoring Group reported that a close ally of the President, Brigadier General Abraha Kassa, had replaced Colonel Yishak in his role.

Video depicting the training of TPDM members in the manufacture of an improvised explosive device

58. Near the end of the investigative phase of its current mandate, a Member State provided a series of short videos and photographs to the Monitoring Group, which depict training on improvised explosive device manufacture apparently conducted by the Eritrean military for members of TPDM (see annex 6).

59. The Monitoring Group examined the material and made the following observations:

(a) The training clearly shows instruction with regard to both the manufacture and setting of improvised explosive devices made from rudimentary and easily available materials, such as watch parts;

(b) The footage appears to have been captured openly and focuses primarily on the instructor and the materials displayed, although on occasion it scans across the audience for the training;

(c) The trainees are wearing a variety of types of battle fatigues and civilian dress. Mola Asgedom is present in some of the footage, indicating that it was probably captured before his defection to Ethiopia in September 2015;

(d) The training is conducted inside in a small room with basic facilities and outside in rural scrubland;

(e) In one of the pictures, an officer is wearing a uniform with the words ERI-ARMY on the breast pocket, indicating usually rank at the command level at division and higher;

(f) On the basis of discussions with Eritrean nationals in exile familiar with the area, the topography visible at various points throughout the footage, such as the high mountain and terrain, is consistent with topography near Sawa.[24]

60. A Member State provided the Monitoring Group with access to two individuals who claimed in telephone interviews conducted in late August 2016, with the assistance of an interpreter, that they had been present at the training, which they claimed had been conducted in 2014 near Sawa. The Group asked basic questions about the nature of the training depicted, but at the time of writing had been unable to corroborate information on the location or date, or whether the trainers had been affiliated with the Government of Eritrea. The Group's investigation is continuing.

B. Ginbot Sebat

61. As reported by the Monitoring Group in paragraph 59 of its previous report (S/2015/802), in July 2015, shortly before the defection of Mola Asgedom, the leader of the anti-Ethiopian armed group Ginbot Sebat and Chair of a newly established united front of opposition groups, Berhanu Nega, travelled to Asmara

[24] Open-source material and previous Monitoring Group reports note the presence of Eritrean military training and penal facilities near Sawa, including a major centre for the training of military conscripts. See S/2012/545, para. 51, and annex 1.1.c.

through Egypt and was personally greeted by a senior adviser to the President, Yemane Gebreab. Ginbot Sebat has since merged with the Patriotic Front to establish the Patriotic Ginbot 7, with Berhanu Nega as its Chair, and on 11 August 2016 was understood to have signed a memorandum of understanding with the Oromo Democratic Front.[25]

62. The Monitoring Group first provided detailed information on Ginbot Sebat in its report for 2014 (S/2014/727, paras. 78-86) and provided a brief update in its report for 2015 (S/2015/802, paras. 58 and 59). In previous reports, the Group reported that elements of Ginbot Sebat had had direct contact with Eritrean military officials, including Colonel Yishak, and had received military support and training in Eritrea. Investigations conducted during the current mandate, including through interviews with former members of Ginbot Sebat and contact with certain Member States, indicate that Eritrea has continued to provide support to the Ginbot Sebat movement, including in the form of Eritrean travel documents.

63. Ginbot Sebat claimed responsibility for an attack in which 20 Ethiopian soldiers were killed in Arba Minch, southern Ethiopia, in May 2016, demonstrating the group's ability to conduct attacks well beyond the contested border regions.[26] The Ethiopian authorities were swift to discredit the claims, however, announcing that their counter-terrorism units had foiled the attack and captured those who surrendered.[27]

Interviews with alleged former Ginbot Sebat fighters

64. On 22 and 23 June 2016, the Monitoring Group interviewed two individuals being detained by the Ethiopian authorities while awaiting trial in Addis Ababa, allegedly for their involvement in a failed attack in southern Ethiopia (see above). They were interviewed separately and their accounts largely corroborated one another.

65. The first man, "Alemu", claimed to have arrived in Eritrea in late 2013 looking for employment, only to be arrested and detained on suspicion of working for the Ethiopian intelligence services. Following his release a month later, he was forcibly conscripted into TPDM and underwent a three-month training programme at a training centre in Jebel Hamid (Gash Barka region, Eritrea), alongside some 200 other trainees.

66. "Alemu" claimed to have joined Ginbot Sebat in Asmara following the defection of Mola Asgedom in September 2015. In January 2016, he was redeployed to the Harena camp near the border with the Sudan, where he was informed that he would be joining a contingent establishing a base in southern Ethiopia, with financing from the Government of Eritrea. He claimed to have returned in April 2016 to Asmara, where he was issued with Eritrean travel documents with false names, after which he travelled to Kenya through Qatar and Uganda. From Kenya,

[25] A copy of the memorandum of understanding is available from www.patriotg7.org/wp-content/uploads/2016/08/MOU-between-ODF-and-PG7-signed.pdf.

[26] See www.youtube.com/watch?v=AzGOLUhVhfo.

[27] See "Eritrean terrorist group armed to the teeth managed to enter southern Ethiopia", Tigrai Online, 12 May 2016. Available from www.tigraionline.com/articles/eritrean-armed-group16may.html.

he entered southern Ethiopia, using public transport, and established a small camp in forests near Arba Minch, where the Ethiopian forces eventually captured him.

67. The second man, "Beyene", recounted a similar series of events, although he claimed to have originally come from Derfana, a village near Arba Minch known for its opposition to the Government of Ethiopia. He had already been arrested by the Ethiopian authorities in 2014 for alleged involvement with Ginbot Sebat, although after three months he had been released without charge. After his release and return to Derfana, he claimed to have been pressured into joining Ginbot Sebat by the village elders, and subsequently travelled to Omhajer in Eritrea, through Himora on the border. After one night, he had been moved to the "Adam Demhit" training camp near a village called Kota.

68. He claimed to have received training in the use of light weapons between July and October 2015 and, after being deployed to a "public boycott department", had been tasked with recruiting new members from Omhajer. He claimed that finances for the office came from Harena, the training camp further north. In November 2015, he was transferred to Harena, where he claimed to have met Berhanu Nega, who informed him that he would be joining the contingent establishing a base in southern Ethiopia. In March 2016, he travelled with Berhanu Nega to Asmara, where he was issued with Eritrean travel documents under a false name, and spent a month residing at the ESAT television station. He claimed to have travelled to Kenya through Qatar and Uganda, flying with Qatar Airlines, in April 2016.

69. He provided details of the overland travel from Malaba on the Kenyan/Ugandan border to Nairobi, where he stayed with contacts in the Eastleigh neighbourhood, before heading north to the border town of Moyale, from where he made the final leg of the journey to the camp near Arba Minch, where he too was eventually captured by the Ethiopian forces.

70. The interviews were organized and attended by officials of the Government of Ethiopia. At the time of writing, the Monitoring Group was not able to either verify or discount the information given.

C. Peoples' Alliance for Freedom and Democracy

71. On 25 March 2016, multiple media agencies published a resolution following the first congress of the Peoples' Alliance for Freedom and Democracy, held in Asmara, incorporating the Benishangul People's Liberation Movement, the Gambela People's Liberation Movement, the Ogaden National Liberation Front, the Oromo Liberation Front and the Sidama National Liberation Front. According to the resolution, "the alliance is determined to uproot the current oppressive minority regime in order to safeguard and advance peoples' rights to exercising genuine self-determination".[28] The Monitoring Group has not yet been able to assess the extent to which the newly established alliance receives support from Eritrea, or indeed the extent to which it currently poses a threat in Ethiopia.

[28] See "Resolution of the First Congress of Peoples' Alliance for Freedom and Democracy (PAFD)", 29 March 2016. Available from http://peoplesafd.org/wordpress1/resolution-of-the-first-congress-of-peoples-alliance-for-freedom-and-democracy-pafd/.

D. Front pour la restauration de l'unité et de la démocratie

72. The Monitoring Group previously assessed allegations of support by Eritrea to anti-Djiboutian armed groups in 2011. In paragraphs 269 to 274 of its final report for 2011 (S/2011/433), the Group asserted that Eritrea had offered bases, training, arms and equipment to an armed group associated with elements of the splintered Djiboutian opposition Front pour la restauration de l'unité et de la démocratie (FRUD), FRUD-Combattant (FRUD-C) or FRUD-Armé, since 2008. The Group described how the armed group was active in the north of Djibouti, in the Mabla mountains in the Obock and Tadjourah regions, where it conducted military operations with the aim of harassing the Djiboutian forces. Its forces were also present and received training and support in Eritrea. The Group concluded that, notwithstanding the relative "small scale and ineffective" nature of those activities, the operations undermined the normalization of relations between Djibouti and Eritrea and thus constituted obstruction of the implementation of resolution 1862 (2009) (see S/2011/433, para. 433).

73. In 2015, the Monitoring Group described an escalation in the rhetoric of the Djiboutian authorities against Eritrea, reporting on multiple claims that Eritrea was sabotaging regional stability.[29] In June 2015, the Group received a written communiqué from the Government of Djibouti in which it was alleged that Eritrea continued to support activities destabilizing its northern border area, in particular through its support for the operation of FRUD-C (see S/2015/802, paras. 60-62). A subsequent note verbale transmitted to the Group contained a list of cross-border incidents between June 2014 and April 2015, including seven allegedly conducted by rebels supported by Eritrea. In August 2015, the Monitoring Group twice requested the Government of Eritrea to comment on the allegations of its support for FRUD-C, but received no response (see ibid., para. 63).

74. During its visit to Djibouti in March/April 2016, the Monitoring Group met various senior officials of the Government, including the Prime Minister, the Minister for Foreign Affairs and International Cooperation, the Director of National Security, the Permanent Secretary of the Minister of the Interior and the General Secretary of the National Office for Assistance to Refugees and Disaster Victims.[30] The Group also met senior members of the security forces. During the meetings, concerns were consistently expressed about continued destabilizing activities by Eritrea, with a sentiment expressed that the country was "constantly under attack".[31]

[29] See S/2015/802, para. 106, and for example, Samuel Gebre, "Djibouti, Ethiopia accuse Eritrea of sabotaging stability", Bloomberg News, 13 February 2015, available from www.bloomberg.com/news/articles/2015-02-13/djibouti-ethiopia-accuse-eritrea-of-sabotaging-horn-of-africa.

[30] Interviews conducted in Djibouti, 30 and 31 March 2016.

[31] Interview with the Director of National Security in Djibouti, 31 March 2016.

75. FRUD has publicly claimed responsibility for attacks on Djiboutian soil during the current mandate.[32] On 6 February, two Djiboutian gendarmes, Zakaria Ismail and Mossa Bahdon Farah, were killed in a shoot-out on Lake Assal with armed elements who, according to a press release from the Ministry of the Interior, had come from across the border in Eritrea.[33]

Interview with alleged former FRUD fighters

76. During a visit to Djibouti by the Monitoring Group at the end of March 2016 to meet returned Djiboutian prisoners of war, the authorities requested the Group to interview two men alleged to be former members of FRUD.[34] The men narrated how they had been trained in Eritrea as FRUD militiamen and subsequently engaged in operations along the border between Eritrea and Djibouti.[35]

77. The first man, "Mohamed", of 19 years of age, recounted how, seven years earlier, he had been kidnapped by armed men from his home near Souali, in the northern Djiboutian province of Obock, and taken across the border to Eritrea, along with eight other young boys.[36] The individuals who seized them were described as men in military dress who told the community that they needed the boys to assist with caring for some of their wounded. At the Anda'ali training base, "Mohamed" received military, sports and ideological training for four years and was told that his job was to "liberate Djibouti".[37] He was eventually transferred to the Wi'a training camp near Massawa for the final two years of his captivity.[38] Eventually, he was able to escape during a border operation, and he and three other combatants crossed the border and presented themselves to the Djiboutian Army in January 2016.[39]

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[32] On 1 October 2015, the leader of FRUD, Mohamed Kadamy, issued a press statement from Geneva in which he announced the group's responsibility for the burning of three vehicles at Marawaleh in Tadjourah on 30 September 2015. The vehicles belonged to the construction company building the Tadjourah/Randa/Balho road. He claimed that the vehicles had been used to provide logistical support for an "offensive by the government army" between 11 and 13 September 2015 that had seen attacks on civilians, but that FRUD had repulsed. He sent a message to the company stating that FRUD would not permit the company to assist the army in the future. A copy of the press statement is on file with the Monitoring Group.

[33] See "Attaque contre la brigade de gendarmerie au Lac Assal: Le Ministère de l'Intérieur apporte des éclaircissements", *La Nation*, 10 February 2016. Available from www.lanationdj.com/attaque-contre-la-brigade-de-gendarmerie-au-lac-assal-le-ministere-de-linterieur-apporte-des-eclaircissements.

[34] Interviews with "Abdul" and "Mohamed", Djibouti, 31 March 2016.

[35] Although the term FRUD-Combattant or FRUD-Armé was not used by the interviewees to refer to the armed group with which they were associated, this was inferred from the context.

[36] The Monitoring Group was unable to find reports in public human rights reports of abductions from Djibouti to Eritrea in the time period.

[37] The Monitoring Group reported in 2011 that militiamen from FRUD were initially trained at Ghibdo, 40 km from Assab, beginning in October 2008. Later, in mid-2009, as a result of desertions, the training was moved further from the border to Deba-Sima and then to Anda'ali. The facility at Anda'ali was described as primitive, offering only basic military training and small arms training (see S/2011/433, annex 8.1).

[38] The six companions initially abducted with "Mohamed" are understood still to be at Wi'a. The Wi'a (also referred to as Wiya/Wia/Wie) military camp is located approximately 25 km south of Massawa to the west of the Massawa-Assab road.

[39] At the time of the interviews, his three companions were said to be back at home in Obock.

78. The second man, "Abdul", described how he had joined FRUD willingly upon being approached at his home in the Obock region. He was trained both in the Mabla mountains and in Eritrea and rose through the ranks, eventually being put in charge of a unit of approximately 20 men with responsibility for recruitment and "sensitization". He acknowledged to the Monitoring Group that in that function from his base in Anda'ali he had participated in forced recruitments along the border area.

79. "Abdul" named the commander of the base at Anda'ali as Wade Merit, an Eritrean officer or "sergent chef". He reported a total of 110 FRUD militiamen based at Anda'ali before his departure: 60 headquartered at the base and 50 used as a mobile force to conduct border incursions. There was also an adjacent camp, which housed 90 Eritrean military personnel, including anti-mine specialists. He named the captain in charge at Wi'a during his last visit in September 2014 as Ramadan Ahmed and described the presence of other "rebels" at the base, including "2,000 Ethiopians and Somalis", with the latter consisting of Ethiopian Somali opposition but "not Al-Shabaab". In June 2015, the Ethiopian Somalis had left the camp to take part in peace talks. He claimed that, at the time when he left, all FRUD fighters had been moved to Wi'a.

80. "Abdul" alleged that, although initially support from Eritrea had come in the form of training and other facilitation, at some point before his departure FRUD had received new weapons from the Eritrean military, including PK machine guns, rocket-propelled grenades and AK-47 rifles.[40]

81. Eventually disillusioned with FRUD, he decided to leave in November 2015 and returned across the border to Djibouti, handing himself over to the authorities.

82. The interviews were organized and attended by officials of the Government of Djibouti. The Monitoring Group requested an opportunity for follow-up interviews with both "Abdul" and "Mohamed" and a number of other alleged former abductees in August 2016, but the authorities indicated that they were unable to facilitate the interviews that month.[41] At the time of writing, the Group was not able to either verify or discount the information given.

IV. Financing in support of violations of resolution 1907 (2009)

83. During the current mandate, the Monitoring Group conducted investigations in an effort to assess whether the Government of Eritrea was allocating revenue to support armed groups operating on its soil or to conduct activities that would constitute a breach of the arms embargo. During past mandates, the Group reported on the roles of Eritrean State officials and the leading figures of the People's Front for Democracy and Justice in controlling public financial management in Eritrea (see

[40] In an interview with the Monitoring Group recounted in the Group's report for 2011, a former FRUD-C commander then detained in Djibouti, "Mohamed" Jabhaa, acknowledged that the Government of Eritrea was "supporting us, providing food, medicines and treating our wounded fighters", but denied receiving any weaponry or military equipment. He claimed that FRUD primarily purchased arms and ammunition from Yemen (see S/2011/433, para. 274).

[41] E-mail correspondence with officials from the Ministry of Foreign Affairs and International Cooperation, 19 to 22 June 2016.

S/2015/802, paras. 66 and 67; S/2014/727, paras. 87-101; S/2013/440, paras. 74-79; and S/2011/433, paras. 364-380). Interviews conducted by the Group during the current mandate indicate no change in the situation.[42]

84. The lack of transparency with regard to government revenue and expenditure and the non-cooperation on this matter by the Government limit the ability of the Monitoring Group to assess whether the Government is financially supporting armed groups operating within its borders or breaching the arms embargo. The Group sent an official invitation to the Government to discuss the public financial issues with the financial experts of the Group, in accordance with paragraph 26 of Security Council resolution 2244 (2015). It has not received a reply (see annex 1.4).

85. The Security Council has condemned the use of the "diaspora tax" by the Government to destabilize the Horn of Africa or violate paragraph 10 of resolution 2023 (2011). Eritreans living in the diaspora are expected to contribute 2 per cent of their income for each year since 1991 that they have been living abroad if they require access to the services provided by the Government.[43] This in itself does not constitute a violation of the sanctions measures. The Monitoring Group has not found evidence that Eritrea has collected the tax using the methods prohibited under paragraph 11 of resolution 2023 (2011).[44]

86. In December 2015, a currency reform programme was conducted for the nakfa, officially to restrict the black market taking root in Eritrea. To receive new currency, the old nakfa had to be deposited in banks, with the clearance of the origin of funds attached. At the time of writing, the official exchange rate is approximately ERN 15 to $1. Monthly withdrawals are limited to ERN 5,000 per month. The reform, combined with the phasing out of the unofficial exchange market, where one would receive more than ERN 50 for $1, has drastically reduced the purchasing power of the Eritrean people and at least halved the value of the remittances sent from the diaspora.[45]

V. Revenue from the mining sector

87. The Monitoring Group takes note of paragraph 12 of resolution 2023 (2011), in which the Security Council expressed concern at the potential use of Eritrean mining sector revenue to destabilize the Horn of Africa and called upon Eritrea to provide transparency in its public finances in order to demonstrate that mining revenue was not being used to violate relevant resolutions, including resolutions 1844 (2008), 1862 (2009), 1907 (2009) and 2023 (2011). Furthermore, in paragraph 13 of the resolution, the Council decided that Member States should take appropriate measures to prevent funds from the mining sector being used to violate relevant

[42] Interviews conducted with European Union officials in Brussels on 27 April 2016 and a diplomatic source in Dubai on 22 February and 2 May 2016.

[43] The Monitoring Group has reported extensively during previous mandates on the diaspora tax collected since 1994. See S/2015/802, paras. 81-89; S/2014/727, paras. 102-111; S/2013/440, paras. 128-133; and S/2012/545, paras. 87-104.

[44] Interviews with members of the Eritrean diaspora in Oslo, 2 June 2016.

[45] Interviews with a Nairobi-based diplomat in Nairobi, 8 February 2016; interview with a Helsinki-based academic in Helsinki, 8 March 2016; and interviews with European Union officials in Brussels, 26 and 27 April 2016.

resolutions, including through the issuance of due diligence guidelines, and requested the Committee, with the assistance of the Group, to draft guidelines for the optional use of Member States.

88. Since the adoption of resolution 2023 (2011), the Monitoring Group has documented a lack of transparency regarding the mining sector in Eritrea (see S/2012/545, paras. 110 and 113; S/2013/440, footnote 119; S/2014/727, paras. 113 and 114; and S/2015/802, paras. 91 and 92). This includes a lack of cooperation by the Government with the Group in allowing access to financial records and the country's territory. In its report for 2012, the Group provided three options to the Committee for due diligence guidelines to improve transparency: voluntary disclosure and earmarking; joint supervision; and mandatory disclosure (see S/2012/545, paras. 115-121). In its subsequent report, the Group recommended the option of joint supervision, while noting that implementation would require voluntary cooperation by the Government (see S/2013/440, paras. 158-163).

A. Mining sector activity

89. Eritrean mineral deposits include copper, gold, silver, zinc and potash. Eritrea may also have significant natural gas and oil reserves, but these have not yet been proven. According to the Director General of the Ministry of Energy and Mines, Alem Kibreab, 16 foreign mining companies are conducting exploration in Eritrea.[46] In its report for 2014, the Monitoring Group outlined the regulatory framework governing the operation of mining companies in Eritrea (see S/2014/727, paras. 119-121). The State mining company, Eritrean National Mining Corporation (ENAMCO), has the right to a free 10 per cent carried interest and the right to purchase an additional 30 per cent stake in mining joint ventures.

90. There are two mining joint ventures in production, the Bisha Mining Share Company and the Zara Mining Share Company, and two that are projected to begin production within two years, the Asmara Mining Share Company and the Colluli Mining Share Company:

(a) The Bisha Mining Share Company, 40 per cent owned by ENAMCO and 60 per cent by Nevsun Resources (Nevsun), operates the Bisha mine located 150 km west of Asmara, producing gold, silver, copper and zinc;

(b) The Zara Mining Share Company, 40 per cent owned by ENAMCO and 60 per cent by the China Shanghai Group Corporation for Foreign Economic and Technological Cooperation, operates the Koka mine in northern Eritrea, which began gold production in 2016;

(c) The Asmara Mining Share Company, 40 per cent owned by ENAMCO and 60 per cent by the Sichuan Road and Bridge Mining Investment Development Corporation Limited, is projected to begin the production of gold, copper and zinc near Asmara early in 2017;

[46] See Mark Anderson, "Mining: Eritrea digs deep for jobs", *Africa Report*, 31 March 2016. Available from www.theafricareport.com/East-Horn-Africa/mining-eritrea-digs-deep-for-jobs.html.

(d) The Colluli Mining Share Company, 50 per cent owned by ENAMCO and 50 per cent by Danakali Limited, is projected to begin potash production at its deposit located some 175 km south-east of Asmara in late 2018.

B. Payments to the Government

91. From 2011 to early 2016 when the Koka mine began production, the Bisha mine was the only producing mine in Eritrea and had thus been responsible for nearly all the mining revenue paid to the Government. According to Nevsun, during 2015 it paid the Government $21.8 million in taxes, $17.6 million in royalties, $8.2 million in payroll taxes and $6.3 million in withholding for taxes, customs and duties, totalling $53.9 million in revenue. Nevsun also paid ENAMCO $19.0 million in distributions during 2015, meaning that total payments in government taxes and distributions for 2015 were $72.9 million. From 2011 to 2015, Nevsun data indicate that the company paid the Government $582.9 million in taxes and $245.1 million in distributions and return of capital to ENAMCO, for a total of $828 million, equalling an average of $165.6 million per year during the five-year period.[47]

92. The Monitoring Group has sought to engage with Nevsun to determine whether revenue from its operations in Eritrea may be being used by the Government to support armed groups in the region or in violation of the two-way arms embargo. During the previous four mandates, Nevsun consistently cited confidentiality non-disclosure agreements in written responses to inquiries and suggested that questions should instead be directed to the Government. In its previous report, the Group examined the relationship between Nevsun and its contractors and subcontractors, including SENET, Segen Construction Company (Segen) and, allegedly, Mereb Construction Company (Mereb).[48] SENET is a South African engineering and construction firm, Segen is owned by the People's Front for Democracy and Justice, and Mereb is owned by the Eritrean military. Owing to a lack of access to financial documentation, the Group was unable to reconcile apparent discrepancies between the amounts paid by the Bisha Mining Share Company to its contractors and subcontractors and the amounts paid to labourers at the Bisha mine, many of whom may have been conscripted (see S/2015/802, paras. 96-102).

93. The possible diversion of unaccountable surplus funds by State-owned enterprises for the potential purpose of sanctions violations remains an issue of concern. Accordingly, the Monitoring Group continues to track developments in the civil case filed by three Eritrean plaintiffs against Nevsun on 20 November 2014 in the Supreme Court of British Columbia, Canada, which may reveal further useful information regarding the financial structure of the mining industry in Eritrea. According to the notice of civil claim filed by the plaintiffs, there was widespread use of forced labour by national service conscripts who were deployed at the Bisha mine by either Mereb, Segen or the Eritrean military. The plaintiffs claim that they

[47] Nevsun Resources, "Positive results: 2015 corporate social responsibility report". Available from www.nevsun.com/pdf/NevsunCSR2015_Digital.pdf.

[48] Nevsun has acknowledged hiring SENET as its contractor and that SENET then hired Segen as a subcontractor. Nevsun has denied that Mereb provided services to the Bisha Mining Share Company, SENET or Segen.

and other forced labourers were compensated at the rate of ERN 450 per month, currently equal to some $30 at the official exchange rate.[49] At the time of writing, the civil case remained pending at the level of the federal appeals court of Canada. Judgments are expected later in 2016 on several motions filed by Nevsun to block or dismiss the case.[50]

C. Due diligence by Member States

94. As noted above, the Security Council, in its resolution 2023 (2011), imposed an obligation on Member States to take appropriate measures to prevent funds from the Eritrean mining sector being used to violate relevant resolutions. Mandatory reporting requirements for the extractive industries have since been developed by two Member States and one regional organization: the Extractive Sector Transparency Measures Act (Canada); section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (United States); and Directive 2013/34/EU of the European Parliament and of the Council (European Union). In terms of their approach, the measures are most similar to the mandatory disclosure option for due diligence by Member States outlined by the Monitoring Group in its report for 2012 (see S/2012/545, paras. 119-121). Once implemented, the measures will considerably improve transparency regarding government revenue from the extractive industries in Eritrea and elsewhere. Given that they do not address government expenditure, however, the utility of these measures for improving sanctions compliance will apply only to one half of the financial equation.

95. The three measures are quite similar in terms of the industries covered, definition of reporting entities, scope of payments that must be reported and implementation timelines. With regard to industries, the Extractive Sector Transparency Measures Act and section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act cover the development of oil, natural gas and minerals, while the European Union directive also applies to logging. As to reporting entities, all three measures apply to publicly listed companies, while the Extractive Sector Transparency Measures Act and the European Union directive also apply to large unlisted companies.[51] All three measures cover the same types of payments on a project-level basis — taxes, royalties, fees, production entitlements, bonuses, dividends and infrastructure improvement — and each measure establishes a minimum threshold below which reporting is not mandatory (i.e., Can$ 100,000, US$ 100,000 or EUR 100,000). The first reports under the Extractive Sector Transparency Measures Act will be due 150 days after fiscal years ending as at 1 June 2016, the first reports under section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act will be due 150 days after fiscal years ending as at 30 September 2018 and the timing of the reports under the European Union directive will vary according to the status of national implementing legislation.

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[49] *Gize Yebeyo Araya, Kesete Tekele Fshazion and Mihretab Yemane Tekle vs. Nevsun Resources Ltd*, Notice of Civil Claim, Supreme Court of British Columbia, Vancouver Registry S-148932, 20 November 2014.

[50] Interview with human rights lawyer on 25 May 2016 in Vancouver, Canada.

[51] For Canada and the European Union, an unlisted company is "large" if it meets two of three criteria regarding assets (Can$ 20 million/EUR 20 million), annual revenue (Can$ 40 million/EUR 40 million) and employees (250).

96. Currently, of the four foreign companies in Eritrea that are either operating a mine in production or developing a mine anticipated to be in production, only one would appear to be affected by these mandatory reporting requirements. Nevsun, which is dual-listed on the Toronto, Canada, and New York stock exchanges, will be subject to both the Extractive Sector Transparency Measures Act and section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The Nevsun fiscal year mirrors the calendar year, which means that its first report under the Extractive Sector Transparency Measures Act will be due 150 days after 31 December 2016 and its first report under section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act will be due 150 days after 31 December 2018. Thus, owing to the detailed mandatory reporting requirements of the Extractive Sector Transparency Measures Act, during the next mandate of the Monitoring Group, there should be enhanced financial transparency regarding Nevsun operations in Eritrea, including more specific and reliable data than those currently published in the company's annual corporate social responsibility reports.

VI. Acts that obstruct the implementation of resolution 1862 (2009): Djiboutian combatants missing in action since the clashes between Djibouti and Eritrea between 10 and 12 June 2008[52]

97. Since the armed clashes between Djibouti and Eritrea between 10 and 12 June 2008, the Security Council has demanded that Eritrea make available information pertaining to Djiboutian combatants missing in action during the encounter, including in resolutions addressing the Eritrean sanctions regime.[53] Equally consistently, in all its formal interaction with the Monitoring Group, Eritrea has reiterated its view that the issue should be handled by a dedicated Qatari mediation team and not by the Group.[54]

98. In 2015, the Monitoring Group briefed the Security Council on its efforts to seek information on the combatants, as directed, and on the continuing refusal by Eritrea to acknowledge the appropriateness of the request (see S/2015/802, paras. 104 and 105). As it had since 2012, the Group determined that the refusal of Eritrea to engage or provide information on the missing combatants constituted an obstruction of resolution 1862 (2009) and that those responsible should be considered for targeted measures under resolution 1907 (2009) (see S/2012/545, para. 133, and S/2015/802,

[52] In its resolution 2182 (2014), the Security Council demanded, among other things, that Eritrea acknowledge the border dispute and engage in diplomatic efforts leading to a mutually acceptable settlement (see also para. 5 (ii) of resolution 1862 (2009)).

[53] The clashes broke out over control of the Ras Doumera peninsula and adjacent territory. During operations, combatants were captured by both sides. In paragraph 4 of its resolution 1907 (2009), the Security Council demanded that Eritrea make available information pertaining to Djiboutian combatants missing in action since the clashes so that those concerned might ascertain the presence and condition of Djiboutian prisoners of war. The Council has reiterated this demand in subsequent resolutions, including, most recently, resolution 2244 (2015).

[54] On 9 June 2010, the parties agreed to a formal ceasefire under a process mediated by Qatar, resulting in the withdrawal of troops from the contested areas and the deployment of Qatari forces on the joint border pending a final settlement of outstanding issues.

para. 111). In paragraph 27 of resolution 2244 (2015), therefore, the Council once again stressed its demand that information on the combatants be made available, in particular including to the Group.

99. In March 2016, four of the missing combatants, held incommunicado as prisoners of war by Eritrea since 2008, were released.

Background to the release

100. As reported to the Security Council by the Monitoring Group in 2011, according to the Government of Djibouti, the border clashes in June 2008 left 30 Djiboutian soldiers dead, 39 injured and 49 handicapped, with 19 reported missing in action, presumed to have been taken as prisoners of war (see S/2011/433, para. 428). The Government of Eritrea, however, did not acknowledge that it held any Djiboutian combatants; neither did it seek to engage with those Eritrean prisoners of war declared to be in Djiboutian custody.[55]

101. Conversely, the Government of Djibouti shared a list of 17 Eritreans, dated 10 August 2010, allegedly captured during the conflict in June 2008 and currently detained and accorded the status of prisoners of war in Djibouti. The individuals are Binyam Mengistab, Mohamed Mahmud Abrahim, Shishay Zejarayas Weldemariam, Kuwaja Halemikael Gebreslade, Yonas Berektb Msgna, Tesfu Habtezgy Nuguse, Ahmed Mohamed Fegih, Fishale Kubrom Tekle, Asfaha Araia Teklesenbet, Tesfu Beyne Gebrab, Merhawy Teklehaymanot, Nuguse Mana Andu, Beraki Tekleab Gebrekidan, Kesete Sbhetu Nuguse, Tekleweyni Hadgu Abadi, Ayob Haileab Habtemariam and Tesfu Weldemikal Fruzin. The Government of Eritrea has reportedly not directed any enquires to the Government of Djibouti with regard to information on, or access to, these prisoners.[56]

102. On 5 September 2011, two of the Djiboutian prisoners of war held in Eritrea, Ahmed Eeleeye Yaabe and Khadir Sumbul (or Soumboul) Ali, allegedly escaped from Eritrean custody and made their way across the border to the Sudan, providing evidence that at least five further prisoners of war had been in Eritrean custody since 2008.[57] On 8 January 2012, the Monitoring Group interviewed the two former prisoners, who alleged that further to their capture on 10 June 2008 near Ras Doumera they had initially been held in Assab and subsequently transferred to Shabay Mandar, near Afabet, whence they had escaped more than three years later

[55] See S/2015/802, annex 6.2. The Government of Djibouti has provided access to the prisoners held at Nagad in Djibouti to the International Committee of the Red Cross and other international actors. Interview with a diplomat, Djibouti, 1 April 2016; interview at a United Nations agency, Djibouti, 29 March 2016. It is understood that the prisoners are facilitated to have regular telephone contact with their families; interview with senior government officials in Djibouti, 31 March 2016. In April 2016, the Djiboutian authorities provided the Monitoring Group with a document dated 25 March 2014 describing the current situation of the prisoners, their conditions and treatment, "Relative à un état des lieux concernant les locaux des détenus Erythréens à Nagad, effectué dans la journée du 25/03/2014", on file with the Secretariat.

[56] Interview with senior government officials in Djibouti, 31 March 2016.

[57] See, among others, the letter dated 6 October 2011 from the Permanent Representative of Djibouti to the United Nations to the Secretary-General informing him of the escape and noting that the Government of Eritrea had denied detaining any Djiboutian prisoners of war (S/2011/617).

(see S/2012/545, para. 128).[58] They confirmed that they had been held with five others who had been captured with them and who were all alive at the time of their escape early in September 2011 (see S/2012/545, annex 4.1). They had had no contact with any other Djiboutian prisoners, however, and could provide no update on their other alleged 12 missing colleagues who had been fighting in another part of the battlefield, inland, during the conflict in June 2008.

103. In July 2014, as reported by the Monitoring Group in its previous report (S/2015/802), another Djiboutian soldier, Ahmad Abdullah Kamily, was kidnapped from the border area separating Djibouti and Eritrea, but was later released, with the assistance of the Qatari mediation team, on 15 September 2014.[59] He too was unable to provide any information regarding other Djiboutian prisoners of war.

104. On 28 February 2016, the President of Djibouti, Ismaël Omar Guelleh, began a three-day official visit to Qatar, reportedly stating during a meeting with the Emir of Qatar, Sheikh Tamim bin Hamad Al-Thani, on 29 February that "the resolution of the dispute between Eritrea and my country [would] depend on the release of Djiboutian soldiers".[60] On 2 March, the President of Eritrea also arrived in Doha for a three-day visit.[61] He subsequently began a second three-day working visit to Qatar on 15 March.[62] On 18 March, the Government of Eritrea flew four of the Djiboutian prisoners of war to Qatar; they were subsequently immediately returned to Djibouti, accompanied by the Minister for Foreign Affairs of Qatar, Sheikh Mohammed bin Abdulrahman bin Jassim Al-Thani.

Testimony of the former prisoners of war relevant to the mandate

105. The Government of Djibouti provided the Monitoring Group with access to the four released prisoners of war upon their return to verify their identity and provide information on their period in captivity. The Group also reinterviewed the two prisoners of war who had escaped from Eritrean custody in 2011 on 30 March 2016.

106. The four returned prisoners of war confirmed that they had been among a group of seven combatants detained by Eritrea at Ras Doumera during the clashes in June 2008 and that they had been the comrades of the two soldiers who had escaped in 2011.

107. The former prisoners indicated that through their senior officer they had repeatedly requested to exercise their rights as prisoners of war pursuant to the Third Geneva Convention, including the rights of correspondence and access to the United Nations or the International Committee of the Red Cross. They had understood, for example, that the United Nations had had access to the location

[58] See S/2012/545, annex 4.1.d, for an aerial view of the Shabay Mandar training camp and adjacent prison facility.

[59] See S/2015/802, para. 109. According to officials from Djibouti, Eritrean soldiers kidnapped the soldier while he was being escorted in a Qatari vehicle in the border area.

[60] See "Djibouti says talks with Eritrea to depend on release of prisoners", Xinhua News Agency, 4 March 2016. Available from www.eastafro.com/2016/03/03/djibouti-says-talks-with-eritrea-to-depend-on-release-of-prisoners.

[61] See "President Isaias Afwerki today arrived in Doha city for an official visit", EriTV, 2 March 2014. Available from www.youtube.com/watch?v=WybSSNvscYo.

[62] See "Emir of Qatar receives visiting Eritrean President", TesfaNews, 15 March 2016. Available from www.tesfanews.net/qatar-emir-receives-president-isaias/.

where they were held to "deal with the Ethiopians" and heard that three Ethiopian prisoners had been taken to the Sudan in 2010. All communication was denied, however, and they were simply instructed to "stay and keep quiet".

108. The returned prisoners also recounted how the remaining seventh prisoner, Djama Ahmed Abrar, who had been detained with them, had been taken away from their place of detention some 18 months before their release, reportedly "for hospitalization". They explained that Abrar had lost the use of his arm as the result of a bullet injury sustained before his capture in 2008. Upon asking the guards for news of him, they had been told repeatedly that he was "in the hospital and [was] well".

109. The men confirmed that their day-to-day treatment was adequate and that they were not ill-treated or punished, including after the escape of their colleagues in September 2011. Food was poor, however, which affected their overall health, and medical treatment minimal. They had no access to reading material and were not requested to engage in any labour, which would have assisted in keeping them occupied.[63]

110. The six men confirmed that during their captivity they had seen no signs or heard reference to the existence of other Djiboutian prisoners of war by either their guards or others whom they met: "we thought we were the only prisoners". They claimed to have been aware of prisoners and soldiers from other countries in the camp at various times, primarily Ethiopian, but they had been kept separated and in isolation from all other groups either being trained or detained at the camp. They had come into only very occasional contact with others, fleetingly, while being moved to use washing facilities.

111. The former prisoners described the circumstances surrounding their release, which began with an announcement that they were being transferred late on 17 March 2016. It was only when they were taken very early in the morning of 18 March from the base and onward to Asmara, including to buy new clothes, and told that they had "the greetings of the Head of State" that they had inferred that they were being released.

112. At the end of the interviews, the Monitoring Group photographed the six men with their consent and verified them against identity documentation previously provided by the Djiboutian authorities regarding their combatants missing in action.

Information on the remaining combatants missing in action

113. At the time of the Monitoring Group's visit to Djibouti, the Government informed the Group that Eritrea had provided no indication as to the status of the combatants who remained unaccounted for, including Abrar, who was among the seven prisoners detained together but transferred to hospital in late 2014. From the circumstances as a whole, however, and from indications provided informally to the Group, it was likely that Abrar and the other 12 combatants were no longer alive.[64]

[63] The men noted that the quality of the food provided had declined after the escape of their colleagues in September 2011. At the same time, their shoes were removed during the night.

[64] Interviews conducted with security sector officials in Djibouti, 29 to 31 March 2016.

114. In its midterm report to the Council in April 2016, the Monitoring Group recommended that Eritrea should be urged to clarify the situation of the remaining soldiers identified by Djibouti as still missing in action (see S/AC.29/2015/NOTE.21).

115. On 10 May 2016, the Chair of the Committee wrote to Qatar in its capacity as mediator between the parties to request information on the fate of the remaining combatants missing in action (see S/AC.29/2016/OC.6). In the absence of a reply, the Chair wrote to Qatar on 17 June to reiterate the Committee's request.[65] A response had not been received at the time of writing.

116. On 23 August 2016, the Monitoring Group wrote to Qatar, referencing the letter from the Chair, to note the Group's upcoming report and seek a response to the enquiries regarding the remaining combatants missing in action (see S/AC.29/2016/SEMG/OC.84). A response had not been received at the time of writing. On the same date, the Group also wrote to Eritrea to request an update on the status of the remaining combatants.

117. Although no written response was received to this correspondence, on 24 August 2016, in the course of the Monitoring Group's briefing to the Government of Eritrea on the content of its report, the Permanent Representative of Eritrea to the United Nations stated that Abrar was dead. Subsequently, in a letter to the Group, he claimed that there were no more Djiboutian prisoners of war in Eritrean custody, that Abrar had died and that "the issue has been properly settled and concluded by the Government of Qatar on 18 March 2016".[66]

Current status of Djiboutian combatants missing in action owing to the conflict with Eritrea in June 2008

118. On the basis of the information provided by the Government of Djibouti and testimony provided to the Monitoring Group by the six Djiboutian former prisoners of war, the following provides the most current information on the status of the 19 Djiboutian combatants allegedly missing in action as a result of the border conflict between Djibouti and Eritrea in June 2008:

Escaped former prisoners of war

(a) Ahmed Eleyeh Yabeh, born 1971;

(b) Kadir Soumboul Ali, born 1975;

Released former prisoners of war

(c) Osman Mohamoud Ahmed, born 1964;

(d) Cheiko Borito Ali, born 1964;

(e) Mohamoud Hildid Sogey, born 1971;

(f) Ali Abdallah Lubak, born 1968;

[65] E-mail from the Secretariat to the Monitoring Group, 28 July 2016.

[66] Response of Eritrea to issues raised by the Monitoring Group on 24 August 2016, 30 August 2016, contained in annex 1.7.

Prisoner of war confirmed to have died in Eritrea

(g) Djama Ahmed Abrar, born 1972;

Combatants missing in action since June 2008

(h) Aden Ahmed, born 1953;

(i) Abdourahman Mahmoud Farah, born 1967;

(j) Hassan Elmi Had, born 1965;

(k) Hoch Ofleh Kochin, born 1967;

(l) Awaleh Eleyeh Yabeh, born 1973;

(m) Awaleh Abdi Omar, born 1973;

(n) Kamil Youssef Ali, born 1970;

(o) Meiraneh Alo Bock, born 1973;

(p) Houssein Ibrahim Houmed, born 1978;

(q) Abdillahi Daher Said, born 1965;

(r) Ali Gohari Gadito, born 1968;

(s) Mohamed Youssoud Oudoum, born 1966.

119. The release and return home to Djibouti, with the assistance of the Qatari mediation team, of the four prisoners of war held in Eritrea was widely welcomed.[67] It was a significant development, both in terms of the implementation of the comprehensive agreement of June 2010 and with regard to compliance by Eritrea with the sanctions regime. Nevertheless, although it was confirmed that Abrar had died in custody, 12 other combatants remain unaccounted for by Eritrea.

120. The Government of Eritrea has informed the Monitoring Group that it has no more Djiboutian combatants alive in its custody: if this is indeed the case, it is vital that Eritrea confirm the circumstances of the death of the other combatants, whether on the field of battle or in custody, and, if the latter, and in respect of Abrar, the cause of death and place of burial. Not only is this a requirement of the Security Council, but also it is required by international treaty and customary law, by which

[67] See, for example, African Union press release, "The AU Chairperson welcomes the release of Djibouti prisoners by Eritrea". Available from www.peaceau.org/en/article/the-au-chairperson-welcomes-the-release-of-djibouti-prisoners-by-eritrea#sthash.IaIJ5RCO.dpuf.

Eritrea is bound.[68] The Group therefore requests the Council to urge Eritrea to clarify the situation of the remaining soldiers identified by Djibouti as still missing in action as a result of the conflict in June 2008, in line with its treaty obligations and as directed by the Council.

VII. Recommendations

Disassociation of Eritrea and Somalia sanctions

121. Given that the Group has been unable to find conclusive evidence of Eritrean support for Al-Shabaab in Somalia for three consecutive years, the Monitoring Group recommends that the Security Council consider the disassociation of Eritrea and Somalia sanctions, potentially through one of the following technical options:

(a) The establishment of a separate committee and its monitoring group on Eritrea;

(b) The establishment of a separate committee on Eritrea, with the Monitoring Group as currently configured supporting both committees;

(c) The establishment of a distinct monitoring group on Eritrea reporting to the current Committee.

Bilateral and multilateral support to Eritrea

122. The Monitoring Group recommends that the Security Council request Member States and appropriate international and regional organizations to consider offering the Government of Eritrea support for the development of a comprehensive programme on strengthening the capacity of public financial management.

Military operations involving Eritrean land, territorial waters, airspace and security forces

123. In the light of the two-way arms embargo on Eritrea, as outlined in paragraphs 5 and 6 of resolution 1907 (2009), and the continuing military activities by Member States within and nearby the port of Assab, as described in section II.A of the present report, the Monitoring Group recommends that the Committee provide advice to Member States on compliance with the embargo.

[68] Eritrea ratified the Geneva Conventions of 12 August 1949 in 2000. Pursuant to article 16 of the First Geneva Convention, a party to a conflict is required to record, as soon as possible, in respect of each dead person of the adverse party falling into their hands, "any particulars which may assist in his identification including (a) designation of the Power on which he depends; (b) army, regimental, personal or serial number; (c) surname; (d) first name or names; (e) date of birth; (f) any other particulars shown on his identity card or disc; (g) date and place of capture or death; (h) particulars concerning wounds or illness, or cause of death". Article 120 of the Third Geneva Convention provides that, in respect of prisoners of war: "Death certificates in the form annexed to the present Convention, or lists certified by a responsible officer, of all persons who die as prisoners of war shall be forwarded as rapidly as possible to the Prisoner of War Information Bureau established in accordance with Article 122. The death certificates or certified lists shall show particulars of identity as set out in the third paragraph of Article 17, and also the date and place of death, the cause of death, the date and place of burial and all particulars necessary to identify the graves."

Annex 1

Correspondence between the Monitoring Group and Government of Eritrea

Annex 1.1: Monitoring Group correspondence, 21 March 2016 (S/AC.29/2016/SEMG/OC.23)

UNITED NATIONS NATIONS UNIES

Somalia and Eritrea Monitoring Group

REFERENCE: S/AC.29/2016/SEMG/OC.23

21 March 2016

Excellency,

I have the honour to address you in my capacity as Coordinator of the Somalia and Eritrea Monitoring Group (SEMG) mandated pursuant to paragraph 31 of Security Council resolution 2244 (2015), which is attached for ease of reference.

As you are aware, paragraph 16 of resolution 1907 (2009) "[d]emands that all Member States, in particular Eritrea, cease arming, training and equipping armed groups and their members including Al-Shabaab, that aim to destabilize the region or incite violence and civil strife in Djibouti." As such, the SEMG is requesting information Eritrean authorities may have regarding the arming, training and equipping of armed groups that aim to destabilize Eritrea.

The SEMG is also seeking information regarding the alleged airstrikes targeting the Bisha Mine on 20 March 2015. Any such information you are willing to share with the Group would be thoroughly examined and gratefully received.

The SEMG would welcome the opportunity to discuss these matters in Asmara. As you are aware, the SEMG has not visited Asmara since 2011. The SEMG is dedicated to strengthening relations with the Eritrean authorities over the course of this mandate. The SEMG would like to include any information you wish to provide in its midterm brief to the sanctions Committee that is scheduled for mid-April.

His Excellency
Mr. Girma Asmerom Tesfay
Permanent Representative of Eritrea
to the United Nations
New York

cc: Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

S/AC.29/2016/SEMG/OC.23 2

We would be most grateful for your reply to the Monitoring Group no later than 1 April 2016 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Ms. Sujeeana Gillingham (Room DC2- 2016, United Nations, New York, NY 10017, fax +1-212-963-1300, e-mail: gillingham@un.org [and] sc-751-1907-committee@un.org).

Excellency, please allow me to offer you the assurances of my highest consideration.

Christophe Trajber
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 2244 (2015)

Annex 1.2: Monitoring Group correspondence, 7 April 2016 (S/AC.29/2016/SEMG/OC.28)

UNITED NATIONS NATIONS UNIES

Somalia and Eritrea Monitoring Group

REFERENCE: S/AC.29/2016/SEMG/OC.28

7 April 2016

Excellency,

I have the honour to address you in my capacity as Coordinator of the Somalia and Eritrea Monitoring Group (SEMG) established pursuant to paragraph 31 of Security Council resolution 2244 (2015), which is attached for ease of reference.

In accordance with its mandate, the SEMG is responsible for investigating, *inter alia*:

- violations of the arms embargos on Somalia and Eritrea;
- acts that threaten the peace, security or stability of Somalia;
- obstruction of humanitarian assistance to Somalia;
- Eritrean support for individuals and groups responsible for destabilization of, or violence in, the region;
- obstruction of the implementation of resolution 1862 (2009) concerning Djibouti;
- obstruction of the work or investigations of the Monitoring Group; and
- violations of the ban on the exportation and importation of charcoal from Somalia.

In accordance with paragraph 32 of resolution 2244 (2015), the SEMG will provide its midterm update to the sanctions Committee on 22 April in New York. In its efforts to strengthen relations with the Eritrean authorities I would like to suggest a meeting with you on 20 or 21 April in New York: it will give me the opportunity to provide advance visibility to your Government on our preliminary findings. We could also discuss matters of mutual interests and more specifically subjects mentioned in our letter (S/AC.29/2016/SEMG/OC.21) dated 21 March 2016. I would like to reiterate that the Group is committed to a fair process and transparency.

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His Excellency
Mr Girma Asmerom Tesfay
Permanent Representative of Eritrea
to the United Nations
New York

cc: Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

We would be most grateful for your reply to the Monitoring Group no later than 15 April 2016 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Ms. Snjezana Gillingham (Room DC2- 2016, United Nations, New York, NY 10017; fax +1-212-963-1300; e-mail: gillingham@un.org [and] sc-751-1907-committee@un.org).

Excellency, please allow me to offer you the assurances of my highest consideration.

Christophe Trajber
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 2244 (2015)

Annex 1.3: Government of Eritrea correspondence, 21 April 2016 (S/AC.29/2016/NOTE.24)

SECURITY COUNCIL COMMITTEE PURSUANT TO RESOLUTIONS 751 (1992) AND 1907 (2009) CONCERNING SOMALIA AND ERITREA

S/AC.29/2016/COMM.18
21 April 2016
ORIGINAL: English

Letter dated 20 April 2016 from the Permanent Representative of Eritrea addressed to the Chair of the Committee

Excellency,

I have the honor to inform you that, in the spirit of cooperation and transparency, I have met with the Coordinator of the Somalia Eritrea Monitoring Group, Mr. Christophe Traber, on 20 April 2016 at the Permanent Mission of Eritrea. During the meeting, which is the second meeting this year, my delegation provided extensive oral explanation to the issues contained in the letters of the Somalia Eritrea Monitoring Group dated 21 March 2016 and 07 April 2016 as well as additional issues raised during the meeting. In addition, I handed the attached written response of the Eritrean government to Mr. Traber.

I would like to seize this opportunity to call on the UN Security Council:

1. To immediately and unconditionally lift the unjust sanction imposed on the people of Eritrea.

   The justification for the Eritrean support to al Shabab has been proven to be non-existent as the SEMG has ascertained that "**it has found no evidence of Eritrean support to al-Shabaab**"

   Eritrea Djibouti issue is being handled by Qatar and Eritrea remains committed to the mediation process.

   Eritrea has in good faith fully cooperated with the SEMG and allowed it to visit Eritrea twice.

   The growing threats of Terrorism and extremism in the Horn of Africa and the Red Sea region, in particular the development in Yemen, has an implications on Eritrea's peace and security.

   The 2030 Sustainable Development Agenda motto that "no one should be left behind" must be respected and implemented.

2. To clearly instruct and remind the SEMG to strictly adhere to its mandate of reporting whether Eritrea supports al-Shabab in Somalia and how the Qatari government is handling the Eritrea-Djibouti issue and refrain from dwelling on issue that falls outside its mandate, such as the conflict between Eritrea and Ethiopia and Eritrea's financial matters. The Eritrea and Ethiopia conflict is an issue of an occupied and occupier and is not within the mandate of the SEMG. It is an issue that the UN Security Council is seized upon. The SEMG must also respect "the sovereignty, territorial integrity, and political independence of Eritrea" enshrined in the UN Charter and UNSC resolutions.

3. To clearly instruct and remind the SEMG to refrain from presenting to the Security Council Committee baseless and fabricated allegations collected from Ethiopian officials and nameless and faceless sources. For example, the allegation that there are "Eritrean soldiers are in Yemen" is pure fabrication and baseless. Just for the record there is no UN Security Council resolution that restricts Eritrea from participating in the global war against extremism and terrorism.

4. To demand Ethiopia to respect its treaty obligations and various UN Security Council resolutions by withdrawing from sovereign Eritrean territories, including the town of Badme.

These actions by the UN Security Council will positively contribute to peace, security and development in the Horn of Africa and the Red Sea region.

Please accept, Excellency, the assurances of my highest consideration, and I would appreciate it very much if this letter and its attachment is circulated to the members of the Security Council Committee.

Sincerely,

Girma Asmerom
Ambassador and Permanent Representative

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Permanent Mission of The State of Eritrea
To the United Nations, New York

Subject:- **Meeting between Ambassador Girma Asmerom, Permanent Representative of Eritrea, and Mr. Christophe Trajber, Coordinator of the Somalia Eritrea Monitoring Group**

Venue:- **Permanent Mission of Eritrea**
Date:- **20 April 2015**
Time: - **11:15am**

I have the honor, in the spirit of cooperation and transparency, to welcome you and members of the Secretariat to the Permanent Mission of Eritrea to discuss issues of mutual concern and interest you raised in your letter of 21 March 2016 and 07 April 2016 as well issues you might raise today. On the issues you raised in your letters and today, I would like to hand you Eritrean government's written response which I will also elaborate orally.

1. In reference to your letter S/AC.29/2016/SEMG/OC.23 dated 21 March 2016, my delegation would like to underline that the Eritrea-Ethiopia conflict is not within the purview of the SEMG's mandate. Although the sanction against Eritrea was politically motivated to divert the issue of Ethiopia's occupation of sovereign Eritrean territory, including the town of Badme, as well as to weaken Eritrea's economic and military capability, Ethiopia-Eritrea conflict was never raised or discussed when the unjust sanction was imposed on Eritrea. The **Eritrea and Ethiopia conflict** is an issue of an **Occupier** and **Occupied**. The two countries are practically at war. It is an issue that is addressed in the UN Security Council under an existing standalone agenda item and should remain as such. It is the **Occupier (Ethiopia)** and not the **occupied (Eritrea)** that is destabilizing the region. Therefore, we urge the SEMG to stick to its mandate of investigating "Eritrea' support to al-Shabab in Somalia" and the Djibouti-Eritrea issue.
2. In reference to the letter S/AC.29/2016/SEMG/OC.28 dated 07 April 2016, Eritrea continues to constructively and transparently engage with the SEMG. In this regard, it must be recalled that the SEMG has visited Eritrea twice and has extensive discussions with all relevant ministries, government and private institutions. Moreover, in the past three years alone, Eritrea and the SEMG have had 15 meetings, including three video conferences in which the Eritrean officials provided extensive oral explanation. Eritrea has also provided numerous clear, timely and comprehensive written responses to the SEMG and the UNSC. Therefore, while Eritrea has fully cooperated with the SEMG to misrepresent the ongoing constructive and transparent engagement of the Eritrean government with the SEMG as a "lack of cooperation" is not only factually wrong but is an attempt to create a pretext to continue the unjustified sanctions against Eritrea. We expect the SEMG to reflect our response and cooperation in its reports.

Permanent Mission of the State of Eritrea
to the United Nations, New York

Concerning the issue you raised today

1. The issue concerning the "potential diversion of the mining revenues" is anchored on hypothetical and speculative assumption. Moreover, the SEMG assertion that it has the mandate "to monitor developments in the mining sector, particularly with respect to the transparency of government mining revenue" is not true and accurate. The UN Security Council resolution 2023 (2011) does not give the SEMG such mandate. In spite of this fact, in the spirit of transparency and cooperation, Eritrea has provided detailed information to the Group regarding the total revenue it earns from mining sector and their allocation. Eritrea earns about 200 Million USD per year from Bisha mining, while its annual expenditure for fuel is over 300 million USD and its food import is about 200 million USD. Therefore, there is no justification for the SEMG to continue with its hypothetical and speculative investigation and reporting methodology under the cover of "potential use"
2. Somalia Eritrea Monitoring Group must respect the standards for investigation as stipulated in the Report of the Informal Working Group of the Security Council on General Issues of Sanctions (S/2006/997) which, inter alia, underscores the need for expert panels to rely on verified information and documents, and ensure that their "assertions are corroborated by solid information and that their findings are substantiated by credible sources". The SEMG must also respect "the sovereignty, territorial integrity and political independence of Eritrea" enshrined in the UN Charter and UNSC resolutions. It must stop including in its reports fabricated information such as Eritrea has sent soldiers to Yemen, there is Eritrean hand on the Oromo protest etc. We have no doubt that this information is gathered from Ethiopian officials as well nameless and faceless sources.

In conclusion, since the two justifications for imposing the unjust sanction against Eritrea, i.e. support to al-Shabaab in Somalia – which has proven non-existent, and "border dispute with Djibouti", which is handled by Qatar, the SEMG consistent with its findings and mandate has an obligation to recommend to the Security Council for the immediately and unconditional lifting of the sanction against Eritrea.

Once again, on behalf of myself and my delegation I thank you for your constructive interaction and exchange of information.

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Annex 1.4: Monitoring Group correspondence, 9 June 2016 (S/AC.29/2016/SEMG/OC.45)

UNITED NATIONS NATIONS UNIES

Somalia and Eritrea Monitoring Group

REFERENCE: S/AC.29/2016/SEMG/OC.45

9 June 2016

Excellency,

I have the honour to address you in my capacity as Coordinator of the Somalia and Eritrea Monitoring Group (SEMG) mandated pursuant to paragraph 31 of Security Council resolution 2244 (2015).

In accordance with its mandate, the SEMG is responsible for investigating, *inter alia*:

- violations of the arms embargos on Somalia and Eritrea;
- acts that threaten the peace, security or stability of Somalia;
- obstruction of humanitarian assistance to Somalia;
- Eritrean support for individuals and groups responsible for destabilization of, or violence in, the region;
- obstruction of the implementation of resolution 1862 (2009) concerning Djibouti;
- obstruction of the work or investigations of the Monitoring Group; and
- violations of the ban on the exportation and importation of charcoal from Somalia.

The Security Council, in paragraph 26 of resolution 2244 (2015), called on Eritrea to cooperate with the SEMG, including on financial issues, in accordance with the SEMG's mandate, in order to demonstrate that Eritrea is not violating the terms of relevant Security Council resolutions. In this regard, the SEMG would be grateful for an opportunity to meet with the Minister of Finance of Eritrea, as well as other relevant State officials of Eritrea in Asmara on 18 or 19 July. Should you wish to suggest different meeting location and dates, the SEMG remains open to consider options that would suit your authorities better.

His Excellency
Mr Girma Asmerom Teslay
Permanent Representative of Eritrea
to the United Nations
New York

S/AC.29/2016/SEMG/OC.48 2

We would be most grateful for your reply to the Monitoring Group as soon as possible and no later than 20 June 2016 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Ms. Snjezana Gillingham (Room DC2-2016, United Nations, New York, NY 10017, fax +1-212-963-1300, e-mail: gillingham@un.org [and] sc-751-1907-committee@un.org).

Excellency, please allow me to offer you the assurances of my highest consideration.

Sincerely,

Christophe Trajber
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 2244 (2015)

Annex 1.5: Monitoring Group correspondence, 3 August 2016 (S/AC.29/2016/SEMG/OC.66)

UNITED NATIONS NATIONS UNIES

Somalia and Eritrea Monitoring Group

REFERENCE: S/AC.29/2016/SEMG/OC.66 3 August 2016

Excellency,

I have the honour to address you in my capacity as the Coordinator of the Somalia and Eritrea Monitoring Group (SEMG) mandated pursuant to paragraph 41 of Security Council resolution 2244 (2015).

The Monitoring Group is currently in the drafting phase of its mandate. In order to provide advance visibility to the Government of Eritrea on its findings, subject to the confidentiality obligations of the Monitoring Group, and to provide an opportunity to the Government of Eritrea to respond to any particular findings as may be relevant, the Group would like to convene a meeting (or a video-conference) with you and relevant Eritrean officials on any day that would be convenient for you and your colleagues between 22 and 25 August 2016. For the responses, including documentary evidence, to be reflected in the final report, they must be received by 2 September 2016 at the latest.

We would be most grateful for your reply to the Monitoring Group as soon as possible and no later than 12 August 2016 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Ms. Snjezana Gillingham (Room DC2-2016, United Nations, New York, NY 10017, fax +1-212-963-1300, e-mail: gillinghams@un.org [and] sc-751-1907-committee@un.org).

Excellency, please allow me to offer you the assurances of my highest consideration.

Christophe Trajber
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 2244 (2015)

His Excellency
Mr Girma Asmerom Tesfay
Permanent Representative of Eritrea
to the United Nations
New York

cc: Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

Annex 1.6: Monitoring Group correspondence, 23 August 2016 (S/AC.29/2016/SEMG/OC.83)

UNITED NATIONS NATIONS UNIES

Somalia and Eritrea Monitoring Group

REFERENCE: S/AC.29/2016/SEMG/OC.83 **23 August 2016**

Excellency,

I have the honour to address you in my capacity as Coordinator of the Somalia and Eritrea Monitoring Group (SEMG) established by paragraph 31 of Security Council resolution 2244 (2015).

As you are aware, the SEMG is preparing its final reports to the Security Council pursuant to paragraph 32 of resolution 2244 (2015). In this regard, the Group is preparing, inter alia, its assessment of Eritrea's compliance with paragraph 4 of resolution 1907 (2009) as subsequently reaffirmed in which the Security Council requested that Eritrea make available information pertaining to Djiboutian combatants missing in action since the clashes of 10 to 12 June 2008 so that those concerned may ascertain the presence and condition of Djiboutian prisoners of war.

In this regard, the Group notes the release in March 2016 of four Djiboutian prisoners of war held in Eritrea since 2008 and their return home to Djibouti as a positive development.

It does not appear, however, that your Government has provided any official information on the status of 13 additional combatants who, according to the authorities of Djibouti, remain unaccounted for since June 2008. This includes Mr. Djama Ahmed Abrar who was among the seven combatants captured on 10 June 2008 and, with the return of his fellow prisoners of war, is now confirmed to have been held at Shabuy-Mandar, near Afabet. Mr. Abrar is reported to have been transferred to a hospital for treatment for an arm injury in late 2014. In this regard, the Group would like to kindly request any information that your authorities can provide with regard to Mr. Abrar and the other 12 Djiboutian combatants alleged to be missing in action.

His Excellency
Mr. Girma Asmerom Teslay
Permanent Representative of Eritrea
to the United Nations
New York

cc: Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea

S/AC.29/2016/SEMG/OC.83

In case Mr. Abrar or any of the remaining prisoners of war or other combatants have passed away, it is critical that the circumstances of these deaths and the whereabouts of their place of burial are clarified.

The Group recalls that in all of its formal interactions with representatives of the Government of Eritrea to date, the latter have reiterated the view that the matter of Djiboutian prisoners of war and Djiboutian combatants allegedly missing in action since June 2008 should be handled by Qatar as the mediator with regard to issues relating to Djibouti and Eritrea. The Group would like to to point out, however, that in paragraph 27 of resolution 2244 (2015), the Council specifically urged the Government of Eritrea to allow access or provide information, including to the SEMG, on the Djiboutian combatants and prisoners of way missing in action.

We would be most grateful for your reply to the Monitoring Group as soon as possible and no later than 8 September 2016 through the Secretary of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, Ms. Snježana Gillingham (Room DC 2-2016, United Nations, New York, NY 10017, fax +1-212-963-1300, e-mail: gillingham@un.org and sc-751-1907-committee@un.org).

Excellency, please allow me to offer you the assurances of my highest consideration.

Christophe Trajber
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 2244 (2015)

Annex 1.7: Government of Eritrea correspondence, 30 August 2016

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البعثة الدائمة لدولة إريتريا
لدى الأمم المتحدة - نيويورك

Permanent Mission of The State of Eritrea
To the United Nations, New York

Permanent Mission of the State of Eritrea to the United Nations presents its compliments to the Secretary of the Security Council Committee established pursuant to Security Council Resolutions 751 (1992) and 1907 (2009) and has the honour to attach herewith Eritrea's written response to the issues raised during the informal teleconference consultation facilitated by the Chairman of the UN Security Council Committee on 24 August 2016.

The Permanent Mission of Eritrea to the United Nations avails itself of this opportunity to renew to the Secretary of the Security Council Committee established pursuant to Security Council Resolutions 751 (1992) and 1907 (2009) the assurances of its highest consideration.

New York, 30 August 2016

Secretary of the Security Council Committee
established pursuant to Security Council
Resolutions 751 (1992) and 1907 (2009)
concerning Somalia and Eritrea
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البعثة الدائمة لدولة إريتريا
لدى الأمم المتحدة - نيويورك

Permanent Mission of The State of Eritrea
To the United Nations, New York

ERITREA'S RESPONSE TO ISSUES RAISED BY THE SOMALIA ERITREA MONITORING GROUP (SEMG) ON 24 AUGUST 2016

August 30 2016

The government of Eritrea commends the Chair of the Security Council Committee, His Excellency Ambassador Rafael Dario Ramirez Carreno for organizing this important dialogue and interaction between Eritrea and SEMG. Eritrea also appreciates the constructive role the UN Secretariat is playing.

It must be underlined and recalled that the SEMG has visited Eritrea twice and had extensive discussions with all relevant ministries, government and private institutions as well as diplomatic communities. Moreover, in the past three years alone, Eritrean government officials and SEMG have had more than 15 meetings, including three video conferences in which Eritrean officials gave extensive and clear explanations. Eritrea has also provided several clear, timely and comprehensive written responses to the SEMG and the UNSC. Therefore, while Eritrea's track record is showing it has fully cooperated with the SEMG, it is not only unfair but factually wrong for some quarters to accuse Eritrea for **"luck of cooperation with the SEMG"**. It is a politically motivated allegation that is advanced by certain quarters for the purpose of maintaining the unjust sanction.

In the spirit of constructive and transparent engagement, the Eritrean government is once again, today on 24 August 2016, interacting through the Chair with the SEMG in a three way teleconference. The following is therefore Eritrea's oral and written response to the different issues raised by the SEMG.

Eritrea expects the Chair of the Committee and the Security Council to instruct the SEMG to properly include in its final report a summary of today's Eritrea's oral and written responses. The full text of this written response is also expected to be annexed to the SEMG final report.

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1. **There is no justification to maintain the unjust sanction against the people of Eritrea**

The two pretexts for imposing the unjust sanction against the people of Eritrea:**(a)** ***Eritrea's alleged support to Al-Shabab in Somalia and (b) The dispute with Djibouti*** are proven to be non-existent. For the last four years, the SEMG has ascertained that "**it has *found no evidence of Eritrea's support to Al-Shabab in Somalia***". Regarding Eritrea-Djibouti dispute, the presidents of Eritrea and Djibouti have signed on 6 June 2010 a comprehensive seven point agreement entrusting the Amir of Qatar to mediate all outstanding issues between the two countries. Implementing the agreement, Eritrea has withdrawn its troops from the common Eritrean-Djiboutian border and the Qatari soldiers are deployed in the area, a fact that is confirmed by the state of Qatar in its letter dated 10th June 2010 sent to the UN Security Council. Therefore, since there is no imagined or real problem Eritrea is involved in Somalia or Djibouti, that affect peace and security of the region, there is nothing for the SEMG to investigate. Also, there is no justification for the Security Council to maintain the unjust sanction against the Eritrean people. It must be lifted immediately and unconditionally.

2. **Support to Armed Groups**

This provision is inserted under the politically motivated allegation that **"Eritrea supports Al-shabab in Somalia"** and in the context of its implication to regional peace and security. For the last three years the SEMG has concluded that **"it has found no evidence Eritrea's of support to Al-shabab in Somalia"**. The issue of "**support for armed groups**" is therefore deliberately advanced by certain forces to move the goal post and stretch the mandate of the SEMG to deal with Ethiopia-Eritrea conflict and to maintain the unjust sanction against the people of Eritrea.

Eritrea strongly feels that the Security Council has not given the SEMG the mandate to deal or report on Ethiopia-Eritrea conflict. Eritrea also strongly feels that it is about time for the Security Council to give clear instruction to the SEMG to stop reporting on Eritrean-Ethiopian conflict under the pretext of "**supporting armed groups in the region**". The Security Council clearly understands that the Ethiopia-Eritrea conflict is not within the preview of the SEMG's mandate. It is an issue of the occupied and the occupier. This persistent and unwarranted attempt by the SEMG to deal with the conflict between Eritrea and Ethiopia under the pretext of **"support for armed groups"** is not only unacceptable but a diversionary tactic used by certain forces to maintain the unjust sanction against the people of Eritrea and to embolden Ethiopia. Therefore, SEMG attempt to deal with Ethiopia-Eritrea conflict must be dismissed by all members of the Security Council as illicit, inappropriate and counter-productive. This illegal

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and unnecessary intervention by the SEMG has in fact encouraged the Ethiopian government to occupy sovereign Eritrean territory including the town of Badme for the last 14 years. This is a violation of the UN Charter and the final and binding Eritrean Ethiopian Border Commission (EEBC) 2002 delimitation and 2007 demarcation decisions. Ethiopia is also training armed mercenary and subversive groups. It has become a common feature for high level Ethiopian officials to make belligerent public statements against Eritrea.

- For example:-

  - On 12 June 2016 the Ethiopian government unleashed unprovoked major military aggression against Eritrea at the Tsorona front. Concerning this belligerent act and violation of the UN Charter it must be recalled that the government of Eritrea had sent two letters to the UN Security Council on 13th and 23rd June 2016 requesting an urgent meeting on the Council in accordance with the article 34 and 35 of the UN charter. To Eritrea's surprise and disappointment no action was taken against Ethiopia by the UN Security council.
  - On 05 July 2016, addressing the Ethiopian Parliament, the Prime Minister of Ethiopia said, "**We have taken a proportional military action against the Eritrean government and we will intensify this policy.**"
  - On 28 June 2016, while presenting his report to Parliament, the Ethiopian Defence Minister arrogantly admitted that it is Ethiopia not Eritrea that started the military confrontation at the Tsorona Front on 12 June 2016. He said, "**The action taken by the patriotic Ethiopian Defence forces demonstrated that our forces have the capacity to take a military action against Eritrea at any time. We have given the Eritrean regime something to worry about. The Ethiopian defence forces are ready and capable to execute any measure that the parliament deems necessary regarding Eritrea.**" In the same meeting, invoking Ethiopia's invasion of Somalia in 2006, Dr. Adhana, a card carrying member of TPLF, demanded for a major military offensive to overthrow the Eritrean government.
  - On 14 June 2016, in an interview with Ethiopian Journalist and the Voice of America, Ethiopian Minister of Government Communication, Mr. Getachew Redda stated that "**on 12 June 2016 Ethiopia took proportional military action and gave a lesson to the Eritrean government**." He also vowed to continue the policy.
  - **On 7 July 2015** the prime minister of Ethiopia speaking to his parliament said that "Ethiopia will be forced to take appropriate action against Eritrea."

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- **On 9 August 2014** during an interview with the Washington D.C based Radio Tsenat, the Prime Minister of Ethiopia clearly stated that "the no-war no-peace situation with Eritrea is over. Ethiopia from now on is ready to take military action against Eritrea"
- **On 17 April 2012,** speaking to the Ethiopian Parliament the late Prime Minister Meles Zenawi stated that "the Ethiopian government has now decided to carry out a more active policy, taking actions against Eritrea. The action will involve using all means at Ethiopia's disposal to change the Eritrean government. The other major area where Ethiopia will further strengthen its activity is in supporting Eritreans in their campaign to change the government."

The use or threat of use of force against any country big or small is a violation of the UN Charter and international law that should be condemned by the Security Council.

Concerning the political, social and military crises and problems inside Ethiopia, the government of Eritrea has nothing to do with them. They are purely crises that are products of Ethiopia's ethnic based political and structural problems as well as misguided economic policy. These are well documented facts by several Ethiopian organizations and international humanitarian groups for anybody including the SEMG to see and understand. Leave Eritrea alone.

It must however, be underlined that the UNSC has the full responsibility and obligation to deal with Ethiopia-Eritrea conflict, under a separate and different agenda item. As a guarantor of the Algiers Agreement and shouldering its global responsibility the Security Council must also clearly demand the Ethiopian government to withdraw its occupation army from sovereign Eritrean territory including the town of Badme, immediately and unconditionally. It must also condemn Ethiopian high level government officials for their public and frequent belligerent statements and military aggressions and threats against Eritrea.

3 Arms Embargo

Eritrea has not violated the unjust "Arms Embargo" resolution. The imposition of arms embargo is unjustified and counter productive. The embargo does not enhance peace and security in the Horn of Africa and the Red Sea Region. In fact it is a recipe for humanitarian and military disaster. It has already encouraged the government of Ethiopia to occupy sovereign Eritrean territory including the town of Badme for the last 14 years. It has also emboldened high level Ethiopian government officials to publicly declare their belligerent "regime change" agenda.

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The arms embargo does not only negatively affect Eritrean's capability to effectively and efficiently contribute in the fight against regional and global terrorism and extremism; it will also encourage terrorist groups, pirates and illegal fishing companies to take adventures activities inside Eritrean land and sea sovereign territories and air space.

It must be underlined and clearly understood that Eritrea with 1,200 kilometres of coast line and more than 350 islands as well as 50% Christian and 50% Muslim population is located in the most volatile Horn of Africa and the Red Sea Region. Nevertheless it is a peaceful and harmonious country. With Somalia, south Sudan, Yemen and Ethiopia in a crises situation the world can not afford to **"create and manage"** another crisis in the Horn of Africa and the Red Sea Region. Therefore, since the SEMG did not find credible and verifiable evidence that Eritrea has violated the arms embargo, it has the responsibility to recommend to the Security Council unconditionally and immediately to lift the arms embargo against Eritrea and for the Security Council to do so.

4. Financial Issues and Natural Resources

The provisions of the UNSC resolution related to the financial matters, **i.e. the 2% Reconstruction and Rehabilitation Tax and the Mining Sector,** are anchored on hypothetical and speculative assumptions on its "potential use". First of all the UNSC resolutions does not give the SEMG the mandate it claims to have. Furthermore, the SEMG has several times ascertained that **"it has found no evidence of Eritrean support to Al-Shabab"**. Therefore, there is no justification for the UN Security council and the SEMG to continue requesting Eritrea to provide information on these matters. It is also a violation of the UN Charter that respects the sovereignty as well as the political independence of Eritrea.

Just for the record and in the spirit of transparency and cooperation once again the Eritrean government through the Chair wants to inform the SEMG that Eritrea's total revenue from the mining sector is about 200 million per year. When compared with the public and social expenditures such as Education, Health, and Food Security this revenue is insignificant. For example in 2014, the government of Eritrea's budget for education, health and food security alone was 328,894,753.00 US dollar while its annual expense for fuel is also over 300 million dollar. Therefore, "the potential" and possibility of diverting the revenue to other activities is impossible and non-existence. Eritrea is also a least developing country. Therefore, there is no justification for the SEMG to continue with its hypothetical and speculative analysis as well as reporting methodology and investigation. The unjust sanction is also clear that it affects Eritrean peoples' right for development. It is a collective punishment which is the highest form

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of human rights violation. It also goes against the letter and spirit of Agenda 2030. The motto **"No One Should Be Left Behind"** must be respected by all of us. As a result, Eritrea expects the SEMG to recommend to the Security Council to lift the unjust sanction against the people of Eritrea and for the Security Council to do so.

5. Djiboutian prisoners of war

The Eritrean government would like, through the Chair, to inform the SEMG, there are no Djiboutian prisoners of war in Eritrean custody. This is an issue that has been properly settled and concluded by the government of Qatar on 18th March 2016. This fact is confirmed by the letter the Government of Qatar sent to the UN Secretary General. Eritrea therefore does not understand why the SEMG wants to continue reporting on an issue that is clearly concluded and settled through the Qatari mediation. The SEMG must maintain its neutrality and objectivity. The issue is not whether Eritrea should make available information concerning Djiboutian prisoners of war. The issue is to whom it should report. Eritrea strongly feels that the correct and appropriate mechanism is the Qatari mediation. The SEMG must also respect this mechanism. Concerning the matter it must consult and interact with the government of Qatar not with the governments of Eritrea or Djibouti. In no way or under any pretext it should include insinuations, hearsays and baseless allegations it receives from different quarters in particular Djibouti, about Eritrea. The SEMG is established to investigate information it receives from reliable and credible sources not from politically and diplomatically motivated sources.

Once again, in the spirit of transparency and cooperation as well as setting the record straight, the Eritrean government would like through the Chair, to present to the Security Council and the SEMG Eritrea's stance on the issue of **"Djiboutian prisoners of war in its custody"**.

There are no more Djiboutian prisoners of war in Eritrean custody. There were only seven Djiboutian POWs in Eritrean custody, out of which two escaped, one has died and the remaining four have been released on 18 March 2016 through the mediation of the Government of Qatar.

On 6 June 2010 the presidents of Eritrea and Djibouti signed a **Seven Point Comprehensive Peace Agreement** to settle their dispute peacefully, through the mediation of the Emir of Qatar.

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Article 3 of the seven point Agreement, states that

> **"Each party shall provide the state of Qatar with a list containing the number and names of POWs detained by it. All these shall be done under the supervision of the state of Qatar."**

In violation of this clear agreement and instead of sticking to the Government of Qatar Mediation process, Djibouti preferred to pursue a disinformation and cherry picking approach by raising the issue of Djiboutian POWs outside the mediation mechanism that both presidents agreed to respect. It even went to an extent of presenting contradictory figures.

- In 2015, in an official letter sent to Somalia Eritrea Monitoring Group, the government of Djibouti claimed that **"there are 18 POWs in Eritrean custody."**
- The 19 March 2016 Press Statement Released by the Ministry of Foreign Affairs of Djibouti claimed that **"there are 13 Djiboutian Prisoners of war in Eritrean custody."**
- In a letter Dated 31 March 2016 to the UN Security Council, the Permanent Representative of Djibouti to the United Nations claimed that **"there are 15 Djiboutian prisoners of war in Eritrean custody."**

Clearly, the Djiboutian government has not only been fabricating contradictory figures but has also failed to track and coordinate its own fabricated figures and statements. Contrary to the Djiboutian disinformation campaign, the Government of Qatar has clearly stated that the four POWs released by Eritrea **"were part of a group of seven in Eritrean custody, out of which, one has died and two others fled."**

On its part, Eritrea respecting the letter and spirit of 6 June 2010 Agreement insisted the issue to be handled comprehensively and only through the mediation of the Government of Qatar and refused to discuss or debate the issue of Djiboutian POWs in another fora. This principled and legitimate stance of Eritrea did finally bear fruit.

The disinformation and misrepresentation campaigns aside, the Government of Eritrea diligently pursued the mediation process of the Government of Qatar. As a result, extensive and constructive discussion took place in Doha between the Emir of Qatar and the president of Djibouti on 28 February as well as the Emir of Qatar and the President of Eritrea on 15 March 2016. Subsequently, on 17 March 2016, Eritrea released all Djiboutian prisoners of war in its custody and handed them to the Government of Qatar.These four Djiboutian POWs accompanied by the Foreign Minister of Qatar arrived in Djibouti on 18 March 2016. During the

[illegible]

receiving ceremony at the airport, in a joint press conference, the Djiboutian Foreign Minister, praised the release of Djiboutian POWs by Eritrea **"as a positive step forward."** Immediately after the press conference, accompanied by the Foreign Ministers of Qatar and Djibouti, the four Djiboutian POWs were taken to the palace to meet the president of Djibouti. In this meeting, the president of Djibouti expressed his appreciation to the Emir of Qatar for the role he played in the release of the Djiboutian POWs and expressed his commitment to the Qatari mediation process.

It must be underlined that be it at the airport or the Palace handover ceremonies the Djiboutian government high-level officials have never complained or registered their reservation to the Government of Qatar concerning the number of Djiboutian released by Eritrea. In fact, informing the release of Djiboutian POWs by Eritrea as well as settlement and conclusion of the issue, the Government of Qatar sent a letter to the UN Secretary General on 18 March 2016. In response to this positive development, between the two countries and the United Nations Secretary-General and several governments commended the release of the Djiboutian POWs by Eritrea and expressed their support to the mediation effort of the Government of Qatar to resolve other outstanding issues between Djibouti and Eritrea.

Given these uncontroversial facts and Djibouti's high level government officials' public statement, "that they are committed to the Government of Qatar mediation process", Eritrea does not understand why the SEMG continue to reflect the Djiboutian baseless allegation against Eritrea. Eritrea, therefore, expects the UNSC to give a clear instruction to the SEMG not to deal with the issue and to cease from reporting on the matter.

The issue of POWs concluded, once again the Eritrean government wants to reiterate its commitment to the mediation of the State of Qatar and its readiness to solve other outstanding issues with Djibouti peacefully. It is high time for the SEMG to stop reporting on the Djiboutian POWs and for the UNSC to unconditionally and immediately lift the unjust sanction against the people of Eritrea.

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email: general@eritrea-embassy.org

Annex 2:

Eritrea Ministry of Foreign Affairs Statement, 21 December 2015

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دولة إرتيريا
وزارة الشؤون الخارجية

The State of Eritrea
Ministry of Foreign Affairs

Statement of the Foreign Ministry on Saudi Arabia's Initiative in the Fight Against Terrorism

The Government of Eritrea views the initiative launched by the Kingdom of Saudi Arabia to form an alliance against terrorism as a vital step in the promotion of peace and stability in our region and the world as a whole.

The Government of Eritrea believes that the initiative is part and parcel of ongoing endeavours towards the establishment of broad strategic cooperation to combat terrorism and lawlessness and thereby guarantee peace and security in our region. In this spirit, the Government of Eritrea expresses its readiness to support the initiative without reservations and to extend its contribution to the alliance.

Ministry of Foreign Affairs
Asmara
21 December 2015

Annex 3:

"Thank Eritrea" media campaign in Aden, Yemen

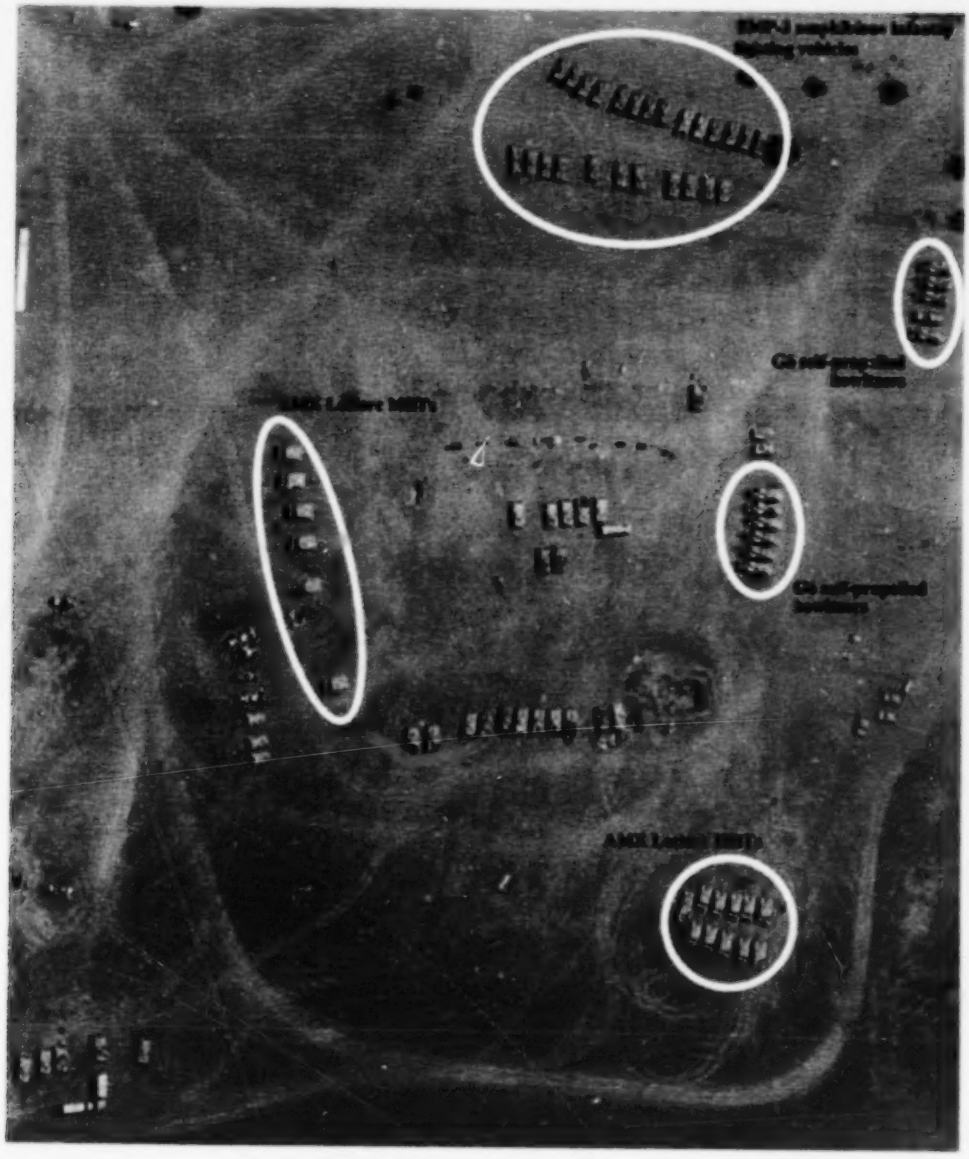
Annex 4:

Assab International Airport, 2 May 2016

New military base, Assab International Airport, 2 May 2016.

New port under construction, Assab International Airport, 2 May 2016.

Possible presence of BMP-3s, G6 howitzers, and AMX Leclerc MBTs, 2 May 2016.

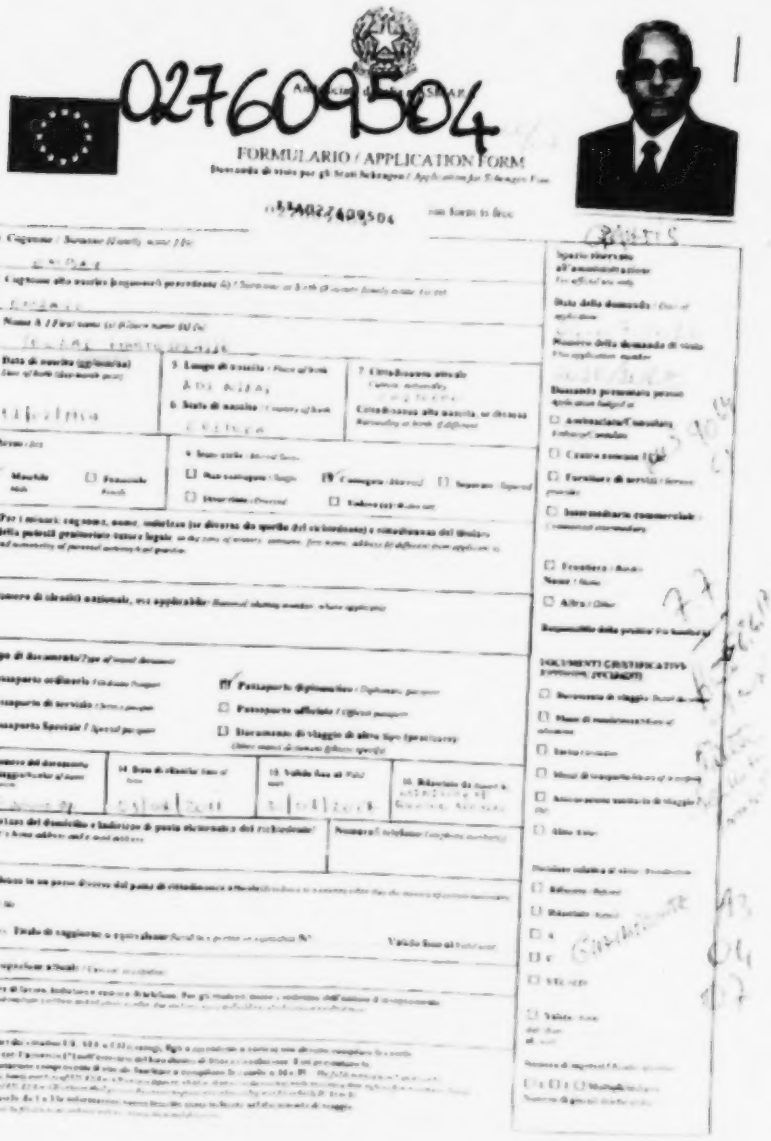


Annex 5

Eritrean air force missions to Italy in July, August and September 2016

Annex 5.1: Approved Schengen Visas for Eritrean Air Force delegation in Italy, Jul 2016

Approved Schengen Visa for Major General Teklai Habteselassie



Annex 5.2: Permanent Representative of Italy to the United Nations Correspondence, 9 September 2016

The Permanent Representative of Italy
to the United Nations

New York, SEP - 9 2016

Mr. Coordinator,

I make reference to your letter S/AC.29/2016/SEMG/OC.89 of 1 September 2016, regarding the request for information on the travel of four specified Eritrean nationals to Italy.

I am pleased to forward to you the following documents provided by the Italian Authorities, as per your request:

- copies of the Notes Verbales of the Eritrean Ministry of Foreign Affairs and Embassy of Eritrea in Rome submitting the request for visa and travel health insurance information;
- copies of the visa applications and passports submitted by the Eritrean nationals to the Italian Authorities;
- copies of the visas issued by the Embassy of Italy in Asmara to the Eritrean nationals.

The Italian Authorities do not have any information relating to the activities of these Eritrean individuals during their stay in Italy.

Mr. Yonas Tesfai Tedla and Mr. Teclai Habteselasie Embaye have left Italy. Mr. Yonas Tesfai Tedla has regularly submitted himself to the return check procedure at the Embassy of Italy in Asmara. Mr. Teclai Habteselasie Embaye holds a diplomatic passport and is thus exempt from the return check procedure.

Mr. Yonas Tesfai Tedla later submitted a new visa request. A 30-day period visa was subsequently issued by the Embassy of Italy in Asmara, with validity from 1 September 2016 to 15 October 2016.

Mr. Christophe Trajber
Coordinator
Somalia and Eritrea Monitoring Group
Security Council resolution 2244 (2015)
United Nations
New York

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Mr. Yonas Henok and Mr. Tesfamicael Amanuel have not submitted themselves to the return check procedure at the Embassy of Italy in Asmara. The Italian Authorities do not have any information as to their current whereabouts.

None of the specified Eritrean nationals have lodged applications for asylum in Italy.

Please accept, Mr. Coordinator, the assurances of my highest consideration.

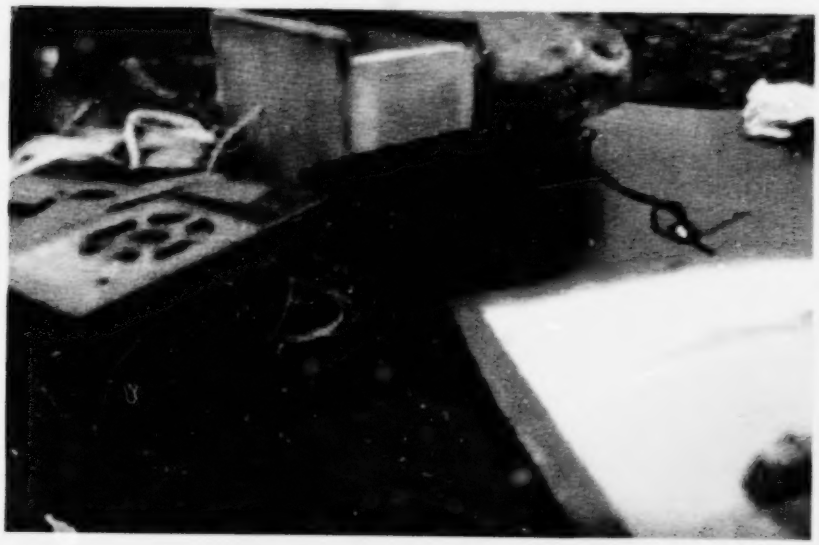
Sebastiano Cardi

Ambassador

Annex 6:

Imagery from video depicting training in Improvised Explosive Device (IED) manufacture

Components used in IED manufacture training course



IED training course presentation

Mola Aygedom attending IED training course

United Nations S/2016/921

Security Council

Distr.: General
3 November 2016
English
Original: Arabic

Identical letters dated 31 October 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Armed terrorist groups, some of which the United States of America and its allies like to refer to as the "moderate armed opposition", committed yet another crime in Aleppo city using chemical weapons, which are internationally prohibited. The terrorist organizations exploited the cessation of hostilities, which the Syrian Arab Republic respected for nearly two weeks, to once again use chemical substances. On 30 October 2016, those organizations committed a criminal and terrorist act when they fired shells armed with chlorine gas at the 1070-apartment area and the Hamdaniyah residential neighbourhood of Aleppo city. This criminal act of aggression caused 48 civilians and soldiers to experience suffocation.

In keeping with its desire to make the international community aware of the crimes that the terrorist groups continue to commit because of the encouragement of certain States and the silence of others, the Syrian Arab Republic would like to draw the attention of the international community to the following painful facts:

During the past three days alone, terrorist organizations have fired more than 50 Grad rockets and 30 gas cylinders, using what are known as hellfire cannons, from eastern Aleppo and other locations at the western part of the city. The bombardment killed 84 persons, mostly women and children, and caused 280 persons to suffer various injuries. This is not to mention the heavy damaged that was caused to public and private property. The Government of the Syrian Arab Republic has assembled a team to investigate this criminal use of toxic gases in accordance with international practice. Syria will also inform other international organizations of the outcome of the investigation.

Since the terrorist organizations began escalating the situation in Aleppo over the past few weeks, hundreds of innocent civilians have been killed in western Aleppo, while thousands of others were displaced from that part of the city. Meanwhile, those terrorist groups have been committing countless crimes in eastern Aleppo, which has been cut off from the world by the terrorists.

The Western States have defended the crimes committed by Islamic State in Iraq and the Levant and the Nusrah Front, and the use of chemical weapons by terrorist organizations. Instead of accusing the terrorist organizations, particularly

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the Nusrah Front and other groups to which they refer as the "moderate armed opposition", those States have consistently accused the wrong party and absolved the terrorist groups of responsibility for these crimes.

Syria condemns the use of chemical weapons by any party. The unjust and misleading campaign that certain Western States are waging against Syria must be directed instead against the terrorist organizations and those who, for sordid political ends, support them and assist them in obtaining toxic substances.

The Syrian Arab Republic has provided detailed information about States that are complicit in the transfer of toxic substances to terrorist groups. Those States include, in particular, Saudi Arabia, Turkey and Qatar. This is not to mention the covert involvement of certain Western States, which have provided the terrorist groups with toxic substances and lethal weapons. The involvement of those States, in particular France, the United States of America and Britain, has been revealed in statements by their officials. They have not been bashful about declaring their support for the terrorist, takfirist and Wahhabist organizations that kill innocent Syrians, and they protect the terrorists in international forums and in their media, which lack credibility and strive to distort the facts.

The Syrian Arab Republic believes that the criminal acts that are being committed by the armed terrorist groups confirm the extent of their impotence and their inability to achieve the goals set out by their masters, sponsors and supporters.

The Syrian Arab Republic reaffirms its call upon the international community to put pressure on those States that support terrorism to end their support of armed terrorist organizations, including, first and foremost, their provision of toxic substances and arms to terrorist groups. The only purpose of providing such support is to prolong the Syrian crisis and destroy the people and infrastructure of Syria.

Syria calls on all international agencies that are conducting investigations into the use of toxic substances in Syria to present impartial and credible outcomes and reports, and to carry out their work without pressure from well-known States, particularly the United States of America, France and Britain, which have blatantly and shamefully politicized such investigations instead of preserving the authoritativeness and credibility of reports issued by international agencies.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations S/2016/922

Security Council

Distr.: General
3 November 2016
English
Original: French

Letter dated 31 October 2016 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the communiqué of the Seventh High-Level Meeting of the Regional Oversight Mechanism of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region held in Luanda on 26 October 2016 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Ignace **Gata Mavita**
Ambassador
Permanent Representative

16-19238 (E) 101116 101116

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Annex to the letter dated 31 October 2016 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

[Original: English and French]

Communiqué of the seventh high-level meeting of the Regional Oversight Mechanism of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region

1. The Heads of State and Government of the signatory countries of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region attended the seventh high-level meeting of the Regional Oversight Mechanism held in Luanda on 26 October 2016. The meeting was convened by the President of the Republic of Angola, José Eduardo dos Santos, with the support of the guarantor institutions, namely, the United Nations, the African Union, the International Conference on the Great Lakes Region (ICGLR) and the Southern African Development Community (SADC).

2. The following Heads of State, Heads of Government and representatives of signatory countries participated in the meeting: the President of the Republic of Angola (host), José Eduardo dos Santos; the President of the Republic of Chad and Chairperson of the African Union, Idriss Déby Itno; the President of the Republic of the Congo, Denis Sassou N'Guesso; the President of the Democratic Republic of the Congo, Joseph Kabila Kabange; the President of the Republic of Zambia, Edgar Chagwa Lungu; the Deputy President of the Republic of Kenya, William Ruto; the First Vice-President of the Republic of Burundi, Gaston Sindimwo; the First Vice-President of the Republic of Sudan, Hasabo Mohamed Abdelrahman; the Prime Minister of the Central African Republic, Simplice Mathieu Sarandji; and the Deputy Prime Minister of the Kingdom of Swaziland, Paul Dlamini, representing the Chair of SADC. The following heads of delegation also participated in the meeting: the Minister of International Relations and Cooperation of the Republic of South Africa, Maite Nkoana-Mashabane; the Minister of Foreign Affairs of the United Republic of Tanzania, Augustine Mahiga; the Minister of Foreign Affairs of the Republic of Uganda, Sam Kutesa; and the Ambassador of the Republic of Rwanda to Angola, Alfred G. Kalisa.

3. The following participants were also in attendance: the Chairperson of the African Union Commission, Nkosazana Dlamini-Zuma; the Special Envoy of the Secretary-General for the Great Lakes Region, Said Djinnit, representing the Secretary-General of the United Nations; the Facilitator of the national dialogue in the Democratic Republic of the Congo, Edem Kodjo; the African Union Special Representative for the Great Lakes Region, Ibrahima Fall; the Executive Secretary of ICGLR, Zachary Muburi-Muita; and Jorge Cardoso, representing the Executive Secretary of SADC. In addition, special envoys and senior officials of Belgium, China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the European Union attended the meeting as official observers. The Economic Community of Central African States was also represented as an invited guest.

4. The participants in the high-level meeting of the Regional Oversight Mechanism reviewed the political and security developments in the region since their previous meeting, held in New York on 29 September 2015, and agreed as outlined below.

5. The participants reaffirmed that the Peace, Security and Cooperation Framework remained a vital mechanism for achieving durable peace and stability in the Democratic Republic of the Congo and the region and renewed their full commitment to its implementation. They endorsed the reform of the Framework process, in particular the decision to hold an annual high-level meeting of the Regional Oversight Mechanism hosted by one country of the region, preceded by a preparatory meeting at the level of ministers for foreign affairs, in addition to ad hoc sectoral meetings as required.

Implementation of commitments under the Peace, Security and Cooperation Framework

6. The participants took note of the status report on the implementation of the Framework. While welcoming the progress achieved so far, they noted with concern the continuing challenges in achieving further progress and committed to accelerating efforts to address the outstanding issues. They directed the Technical Support Committee to submit an updated list of priority activities to advance the implementation of the regional action plan developed under the Framework.

7. The participants commended the guarantors of the Framework for their continuing joint efforts to ensure the implementation of the decisions of the Regional Oversight Mechanism and the decisions of the policy organs of their respective organizations.

8. The participants welcomed the successful holding of the Private Sector Investment Conference for the Great Lakes Region in Kinshasa on 24 and 25 February 2016, as directed by the fifth high-level meeting of the Regional Oversight Mechanism, held in Addis Ababa on 31 January 2015. In addition, they encouraged follow-up action with a view to further promoting the role of the private sector in support of peace and stability in the region.

9. The participants expressed appreciation to international partners for their commitment to supporting and facilitating the finalization of the Ruzizi III hydropower plant and encouraged continued efforts at national, regional and international levels to ensure the implementation of the Ruzizi I and II projects.

10. The participants took note of the declaration of the Women's Platform for the Peace, Security and Cooperation Framework issued on 12 July 2016 in Goma, Democratic Republic of the Congo. They recommitted themselves to strengthening the role and participation of women in political and development processes and directed their national institutions to follow up on the effective implementation of the declaration.

11. The participants also took note of recent positive steps taken to enhance judicial cooperation in the region and reiterated the need to pursue those efforts to ensure early and effective progress in the fight against impunity for serious crimes and violations of human rights, including sexual and gender-based violence.

12. The participants welcomed the launching, by the Secretary-General of the United Nations, of the Great Lakes Regional Strategic Framework 2016-2017 during an open debate of the Security Council on the prevention and resolution of conflicts in the Great Lakes region, held in New York on 21 March 2016 and chaired by the Republic of Angola. In addition, they encouraged the United Nations to continue to streamline and harmonize the efforts of its various entities, in close consultation with the countries of the region, with a view to supporting development efforts throughout the Great Lakes region.

13. The participants also welcomed the proposal by the Secretary-General for a separate annual session of the Security Council on the Great Lakes Region, in addition to the regular briefings on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and on the situation in that country.

Neutralization of negative forces and repatriation of disarmed combatants

14. The participants welcomed the ongoing cooperation and joint operations of the Armed Forces of the Democratic Republic of the Congo (FARDC) and MONUSCO against the Democratic Forces for the Liberation of Rwanda (FDLR) and the Allied Democratic Forces (ADF), among others, and encouraged them to further strengthen their cooperation.

15. The participants also welcomed initiatives by the Framework guarantors in support thereof, which led to the meeting of Ministers of Defence of ICGLR and SADC member States, held in Nairobi on 20 July 2016. In this regard, the participants endorsed the recommendations of the Ministers at the meeting, who, inter alia:

(a) Tasked the chiefs of the defence staff with carrying out field visits to affected areas in the eastern part of the Democratic Republic of the Congo and with developing recommendations to further strengthen operations against armed groups;

(b) Called on the intelligence and security services to strengthen existing coordination and information-sharing mechanisms;

(c) Called for sustained and robust advocacy promoting the implementation of the repatriation to Rwanda of surrendered FDLR combatants in the Democratic Republic of the Congo or their resettlement in a third country outside of the region;

(d) Acknowledged the crucial role played by the Expanded Joint Verification Mechanism as a confidence-building tool in the region and called on the representatives of the Framework guarantors and ICGLR member States to continue their robust advocacy and resource mobilization efforts in support of the mandate and activities of the Mechanism;

(e) Emphasized the need for signatory countries to abide by all their commitments under the Framework and the ICGLR Pact on Security, Stability and Development in the Great Lakes Region in relation to negative forces, in particular with respect to the second Framework commitment for the region, namely, to "neither tolerate nor provide assistance or support of any kind to armed groups", as a result of which, countries in the region should not provide asylum to former combatants who have been granted amnesty;

(f) Noted the need to identify countries, companies and individuals that trade with, and benefit from the illicit economic activities of, the negative forces in the region and the need to bring sanctions to bear through appropriate mechanisms;

(g) Further encouraged the ICGLR Executive Secretary and the Special Envoy of the Secretary-General to convene a dedicated meeting on the illegal exploitation and trade of natural resources.

16. The participants welcomed the establishment of a joint follow-up mechanism between the Democratic Republic of the Congo, Kenya, Uganda and the United Republic of Tanzania to address the growing threat posed by ADF in the eastern part of the Democratic Republic of the Congo and across the region, in line with the decisions of the sixth Ordinary Summit of Heads of State and Government of the ICGLR, held in Luanda on 14 June 2016.

17. The participants reiterated the need to ensure progress in the disarmament, demobilization, reintegration, repatriation and resettlement of disarmed combatants.

18. The participants encouraged the countries concerned, with the support of the Framework guarantors and MONUSCO, to accelerate the repatriation of disarmed combatants present in the eastern part of the Democratic Republic of the Congo and in neighbouring countries, notably former FDLR combatants and those of the former Mouvement du 23 mars (M23).

19. The participants further welcomed the joint evaluation meetings held in Kinshasa on 27 and 28 May and 27 and 28 June 2016, between representatives of the Government of the Democratic Republic of the Congo and the delegation of the former M23, under the auspices of the country's national oversight mechanism and with the support of the Framework guarantors, to review the status of the implementation of the Nairobi declarations and discuss ways to overcome pending challenges, including the repatriation of ex-M23 combatants. The participants called on the guarantors to pursue this initiative.

Review of developments in the region

Relations between countries of the region

20. The participants encouraged countries of the region to intensify their efforts to further improve relations through bilateral channels and existing regional mechanisms, in line with the letter and spirit of the Framework and the ICGLR Pact. In this regard, they welcomed recent high-level meetings between leaders of the region to enhance confidence and cooperation between their countries.

Burundi

21. The participants welcomed the improvement of the security situation in Bujumbura and called on all Burundians to seek only peaceful solutions for addressing their grievances and to commit to inclusive dialogue. They reiterated their support for the East African Community facilitation effort led by the former President of the United Republic of Tanzania, Benjamin Mkapa, and looked forward to the continuation of the dialogue. They encouraged the Government of Burundi and all Burundians to extend their full cooperation to the Facilitator with a view to

expediting the dialogue process, in line with the Constitution of Burundi and the Arusha Peace and Reconciliation Agreement of 2000.

Democratic Republic of the Congo

22. The participants condemned the violence that had erupted in the Democratic Republic of the Congo on 19 and 20 September 2016 and called on all parties to seek only peaceful solutions to the political crisis, in line with the country's Constitution and with Security Council resolution 2277 (2016). They expressed their support for the African Union facilitation effort led by Mr. Kodjo, assisted by the international support group for the facilitation of the national dialogue in the Democratic Republic of Congo, as well as the efforts of the President of Angola and Chair of the ICGLR, José Eduardo dos Santos, and the President of the Republic of the Congo, Denis Sassou N'Guesso.

23. The participants noted with appreciation the encouragement by attendees of the SADC Summit, held in Swaziland on 30 and 31 August 2016, for all Democratic Republic of the Congo stakeholders to participate in the national dialogue and to agree on a concrete road map leading to the holding of elections. In addition, they renewed their call on all stakeholders to uphold the principles, ideals and aspirations of the Congolese people as enshrined in the Constitution, in accordance with SADC and African Union principles and guidelines governing democratic elections and in line with Security Council resolution 2277 (2016).

24. The participants congratulated the President for having convened the national dialogue, commended all stakeholders who took part in it and welcomed the signing on 18 October 2016 of the comprehensive political agreement on the organization of peaceful, credible and transparent elections in the Democratic Republic of the Congo. They noted with appreciation the confidence-building measures taken so far by the Government and encouraged the latter, together with other stakeholders, to take additional confidence-building measures.

Central African Republic

25. The participants welcomed the efforts by the Government of the Central African Republic to promote dialogue and reconciliation and to extend state authority throughout the country, and called on all armed groups to engage in dialogue with the national authorities to ensure peace and stability. They stressed the need for sustained attention on the threat posed by the Lord's Resistance Army in parts of the Central African Republic and throughout the region and called on countries in the region to continue to cooperate towards neutralizing the Resistance Army, including through continued support to the African Union Regional Task Force for the elimination of the Resistance Army.

South Sudan

26. The participants expressed serious concern at renewed fighting between Government and Sudan People's Liberation Movement/Army in Opposition forces, as well as intercommunal violence in several parts of South Sudan. They called on all South Sudanese stakeholders to cease fighting immediately and to continue to faithfully implement the commitments made under the Agreement on the Resolution of the Conflict in the Republic of South Sudan, and looked forward to the early

conclusion of discussions between the Government of South Sudan, the Intergovernmental Authority on Development and the United Nations on the deployment of a regional protection force.

27. The participants took note of the extraction by MONUSCO, on humanitarian and security grounds, of a number of Sudan People's Liberation Movement/Army in Opposition elements that had crossed into the Democratic Republic of the Congo without authorization, and their subsequent disarmament and relocation from the border so as not to present a threat to South Sudan. They also took note of the position of the Government of the Democratic Republic of the Congo not to allow a prolonged stay of these elements on its territory. In addition, they urged the region, Intergovernmental Authority member States, the African Union and the United Nations to assist the Government of the Democratic Republic of the Congo in finding a durable solution for the removal of Liberation Movement/Army elements from its territory as soon as possible.

28. The participants encouraged the Government of South Sudan to continue its efforts to disarm the negative Sudanese forces present in South Sudan and to facilitate their repatriation.

Next high-level meeting of the regional oversight mechanism

29. The participants called on member States to express their interest in hosting future high-level meetings of the Regional Oversight Mechanism, in line with the decisions of the sixth high-level meeting of the Mechanism, held in New York on 29 September 2015, and the sixth Ordinary Summit of the Heads of State and Government of the ICGLR, held in Luanda on 14 June 2016.

30. The participants welcomed the offer made by the Republic of the Congo to host the eighth high-level meeting of the Regional Oversight Mechanism at a date to be determined.

31. The participants extended their deep appreciation to the President and the Government and people of the Republic of Angola for hosting the Regional Oversight Mechanism and expressed their gratitude to all those who contributed to the success of the meeting.

United Nations S/2016/923

Security Council

Distr.: General
1 November 2016

Original: English

Letter dated 31 October 2016 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 26 October 2016 (S/2016/902) regarding the United Nations Mission in Colombia has been brought to the attention of the members of the Security Council.

After due consideration, the Security Council takes note of your recommendation in the above-mentioned letter. The Council notes that the United Nations Mission in Colombia is authorized, pursuant to Council resolutions 2261 (2016) and 2307 (2016), to verify implementation of the ceasefire protocol signed on 13 October 2016.

(*Signed*) Vitaly **Churkin**
President of the Security Council

16-19057 (E) 021116

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